

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,

Plaintiffs,

v.

CARL F. HANSEN, et al.,

Defendants.

Civil Action No. 82-66

AFFIDAVIT OF BENJAMIN J. HENLEY

DISTRICT OF COLUMBIA, ss:

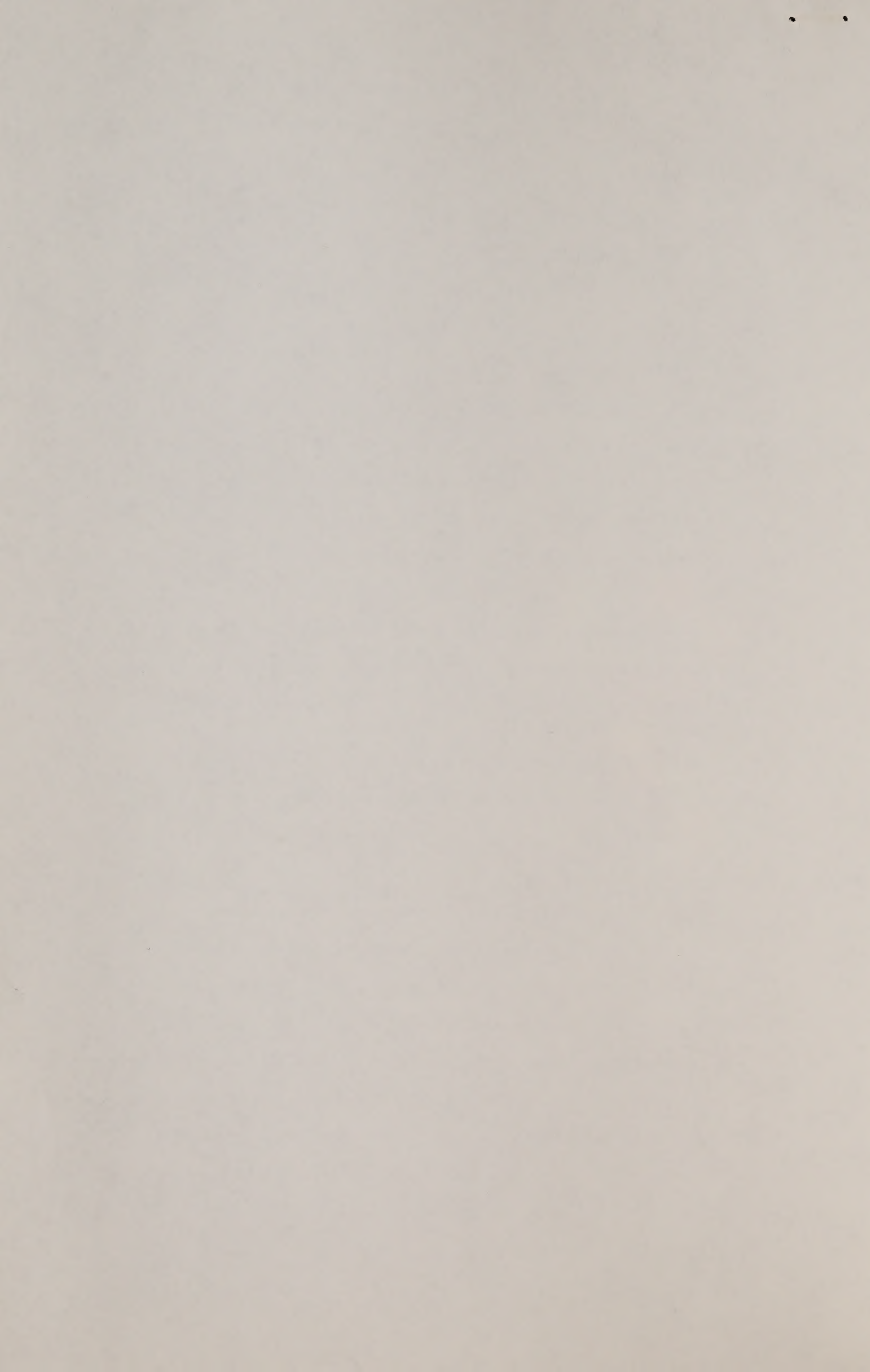
Benjamin J. Henley, being duly sworn on oath, deposes and says that he is the Acting Superintendent of the District of Columbia Public School System; and that he has served in such capacity for one and a half years.

Prior to his appointment as Acting Superintendent, he served the District of Columbia Public School System in the following capacities:

	<u>Yr.</u>	<u>Mos.</u>
Deputy and Vice Superintendent of Schools -----	1 yr.	9 mos.
Assistant Superintendent - Urban Service Corps -----	6 yrs.	
Director - Language Arts ----- Program for Culturally Disadvantaged children		9 mos.
Principal, Regular elementary school -----	1 yr.	
Special elementary school -----	13 yrs.	
Teacher - Regular elementary school grades -----	7 yrs.	
- Special class for overaged, slow learning urban boys -----	8 yrs.	
- Summer school for retarded, overage and accelerated children -----		7 summers

In each of these capacities his service was devoted to children with learning disabilities, children who were culturally disadvantaged, and children who were in need of special supportive services. He developed experimental programs in an effort to solve special school problems which, if proven successful, would become a permanent part of the school system.

His duties as Vice Superintendent were described as having "overall responsibility for the daily operations of the school system." In that capacity, he has been responsible for monitoring the system's compliance with the Wright Decree.





Pursuant to the Order of the Court, dated July 16, 1970, the Acting Superintendent and his staff have compiled the information requested by the Court with regard to the perpupil expenditures for the Elementary Schools in the District of Columbia.

Part I of this report reflects the following data with regard to per pupil expenditures.

Part II of the report reflects the programs designed to offer compensatory education and to provide as nearly as possible equal educational opportunities to all school children. The costs of these steps and programs have been itemized as to each Elementary School and the amounts and sources of the funds used have been detailed.

#### PART I

In compliance with the request of the Court, the D. C. Public School System is submitting the following data for each of its elementary schools:

1. Name of school
2. Income level of the neighborhood from the latest available United States census data
3. Average daily membership
4. Total expenditures from the regular District of Columbia congressional appropriation only
5. Per pupil expenditures from the regular D. C. congressional appropriation only
6. Total expenditures from impact aid funds
7. Per pupil expenditures from impact aid funds
8. Total expenditures from United Planning Organization funds
9. Per pupil expenditures from United Planning Organization funds
10. Total expenditures under Title I of the Elementary and Secondary Education Act of 1965
11. Per pupil expenditures under Title I of the ESEA of 1965
12. Total of all other expenditures
13. Total of all expenditures from all sources
14. Per pupil expenditures from all sources





An analysis of this data seems to refute the allegation that discrimination on the basis of economic status persists. Rather, what does show is this -- that there are fundamental reasons, for the most part beyond the school system's control, which contribute to expenditure disparities and which make adherence to the request of the plaintiffs for a 5% range a devastating requirement in terms of personnel transfers and assignments.

The major variables affecting per pupil expenditure are:

- School size
- Over or under capacity
- Pupil teacher ratios
- Special Classes
- Salaries and benefits of officers
- Salaries and benefits of teachers
- Salaries and benefits of para professionals
- Salaries and benefits of custodians
- Fixed building costs
- Repair and Maintenance costs
- Vandalism - theft
- Population shifts
- Textbooks - supplies

#### School size

In schools where there is a large pupil membership there is likely to be a smaller per pupil expenditure. Using a rank correlation method and ranking all of our elementary schools a coefficient of  $-.55$  was obtained. This negative correlation implies an indirect relationship between per pupil expenditure and average daily membership which we consider highly significant.

#### Enrollment-Capacity Comparison

The tables below give a rather significant insight into the variable which may affect the level of per pupil expenditure. In the high per capita expenditure group ten of the eleven elementary schools had enrollments under building capacity. In the low expenditure group ten of eleven schools have enrollments significantly over-building capacity.

Digitized by the Internet Archive  
in 2024 with funding from

Digitization funded by a generous grant from the National Endowment for the Humanities.



Fiscal Year 1968 - Enrollment/Capacity Comparison

High Expenditure Group

<u>School</u>	<u>Enrollment</u>	<u>%Building Capacity</u>	<u>Building Capacity</u>	<u>%Building Capacity + or -</u>
Bundy	302	50.3	600	- 49.7
Edmonds-Peabody	529	80.2	660	- 19.8
Seaton-Perry	515	63.6	810	- 36.4
Morgan & Annex	667	88.9	750	- 11.1
Bruce	557	113.1	510	+ 13.1
Eaton-Hearst	682	84.2	810	- 15.8
Hardy-Key	485	77.0	630	- 23.0
Blow-Pierce	449	88.0	510	- 12.0
Mann-Stoddert	423	70.5	600	- 29.5
Sumner- Stevens-Grant	634	55.6	1140	- 44.4
Fillmore- Hyde-Jackson	453	58.1	780	- 41.9

Enrollment-Capacity

Fiscal Year 1968 - Enrollment/Capacity Comparison

Low Expenditure Group

<u>School</u>	<u>Enrollment</u>	<u>%Building Capacity</u>	<u>Building Capacity</u>	<u>%Building Capacity + or -</u>
McGogney	1428	135.2	1056	+ 35.2
Hendley	1344	127.3	1056	+ 27.3
Young	1493	155.5	960	+ 55.5
Garfield	1102	141.3	780	+ 41.3
Kimball	1345	127.7	1056	+ 27.4
Greene	1343	115.2	1166	+ 15.2
Draper	1441	157.0	918	+ 57.0
Congress Heights and Annex	855	178.1	480	- 78.1
Orr-Randle Highlands	839	155.4	540	+ 55.4
Nichols Avenue	327	68.1	480	- 31.9
Moten	1215	128.2	948	+ 28.2





The problem of our capacity in the low expenditure group cannot be solved even if we forced busing to under capacity schools west of Rock Creek Park because there is not enough space available to accommodate all of the children who would then be bused. , However, busing has, as shown elsewhere in this document, offered a degree of temporary relief.

The table submitted by the plaintiffs, Per Capita Expenditure Per Pupil in Selected D. C. Elementary Schools, Fiscal Year 1968, as evidence of gross disparities in per pupil expenditures among schools in the District is greatly misleading and presents a distorted picture of the resource distribution. this table lists and depicts in bar-graph form the eleven highest and the eleven lowest per capita expenditure elementary school administrative units, leaving out of the overall picture the 91 remaining units in the system (except for median and average expenditure figures). There are a number of other factors which contribute to the particular level of expenditure among these schools from both low and high groups.

Of the eleven schools in the high per capita expenditure group six are inner-city schools (Bundy, Edmonds-Peabody, Seaton-Perry, Morgan and Annex, Bruce), four are from the west of Rock Creek Park (Eaton, Hardy, Stoddert, and Fillmore) and one (Sumner-Stevens-Grant) which draws the majority of its enrollment from pockets of poor neighborhoods in the Dupont Circle area of the Northwest. Of these eleven the five highest per capita expenditure schools are the inner-city ones of Bundy, Edmonds-Peabody, Seaton-Perry, Morgan and Annex and Bruce.

An analysis of common factors attributable to these five schools reveals that with the exception of Bruce all have enrollments significantly under building capacity, all have a number of special program features, with the exception of Edmonds-Peabody, and all are relatively small-sized. None of these schools show a disproportionately high ratio of permanent to temporary teachers (a factor which is supposed to be significant in higher per capita expenditure schools). Under





enrollment in relation to building capacity, special program features and building size are all factors which contribute to the higher level of per capita expenditure.

Bundy, in addition to being a small school and under-enrolled in relation to building capacity, was serving as a small, special school in the Model School Division which handled children with special problems in experimental programs. A number of special teachers with no specific classroom responsibilities were assigned to the school to work with all the children. These additional teachers, coupled with the other factors, contributed to the very high per capita expenditure for Bundy. There can be no dispute about the educational value of these special classes for the children involved.

Edmonds-Peabody is another school with the single outstanding factor of under-enrollment to building capacity. It had no special program; nor did it have an unusually high concentration of permanent teaching staff.

Seaton-Perry is an administrative unit which illustrates a number of associated factors that distort its per capita expenditure. Small building size and under-enrollment in relation to building capacity are noteworthy. A number of special programs were also operated at Perry. In addition, the fixed cost factor at Perry-Seaton is distorted by the fact that Perry has a high pressure heating plant which has a significantly higher maintenance and operation cost than the regular heating plants in other elementary schools. Moreover, Perry's heating plant is physically tied to Simmons Elementary School, but all the costs are allocated to Perry. Seaton is a separate building with its own heating plant. So, in effect, the operational maintenance of three schools are identified in one school account, greatly contributing to the high per capita expenditure figure.

The Morgan and Annex per capita expenditure figure is distorted by the same fixed cost factor of two separate building operations charged to one account. In addition, Morgan and Annex were under-enrolled in relation to building capacity and had a number of special





programs operating as part of its community-controlled policies.

Bruce was part of the Model School Division and received significant Elementary and Secondary Education Act monies. Eaton, Hardy, Stoddert and Fillmore are all relatively small-sized schools and all had enrollments under building capacity. Fillmore, in addition, had the maintenance charges of Jackson and Hyde added to the cost.

Blow-Pierce, two relatively small-sized schools, had enrollments under their building capacity and received a significant amount of Elementary and Secondary Education Act monies. Sumner-Stevens-Grant are three small schools tied into one administrative unit. The fixed cost factor of maintaining three separate maintenance and heating plant operations, charged to one account, alone is enough to distort the per capita pupil expenditure. In addition, this administrative unit was also under enrolled in relation to building capacity.

In contrast and comparison, all eleven schools in the low expenditure group have factors which contribute to distort their per capita pupil expenditure figures. All of these schools are located in the Anacostia and Northeast areas of the city, the area having had the greatest population influx in the past decade. With the exception of Nichols Avenue, all the schools in this group operated with enrollments significantly above building capacity. McGogney (the lowest per capita pupil expenditure school) and Greene had the additional factor of being new schools, opened in 1966, contributing to their lower levels of expenditure.

#### Pupil-Teacher Ratio -- Class Size

A significant variable effecting the level of per capita expenditure is the pupil-professional ratio. Obviously, the greater the pupil-professional ratio the smaller the per pupil expenditure.

By examining the material which is being submitted, it is evident that there has been a leveling of pupil professional ratios across the elementary school division. In overcrowded school areas, in order to accommodate children, the system has had to increase class size with a resultant increase in pupil-professional ratio. Even here this has been overcome somewhat by the use of volunteers, reading aids, other





para-professional personnel, busing and the opening of demountable buildings.

Special education classes are particularly expensive because of their small size, their use of special teaching materials and their greater need for more space per pupil served.

#### Administrative Costs

Small schools present problems in the area of administrative costs. For example, small schools such as the Bundy (186) or those administrative units combining overall small schools such as the Fillmore (155), Jackson (138) and Hyde (135) have assigned to them a principal and an administrative aide. Thus results in a much greater per pupil administrative cost than that in large schools such as the Davis (1584), McGogney (1512) or Stanton (1287) even though in these latter schools there are assistant principals.

By law, there are variations in the salaries of principals. Those who are assigned to large complex units receive a higher salary, than those assigned to small schools, but even so, this does not significantly equalize administrative costs.

#### Fixed Building Costs

Significantly, in terms of fixed cost factors of building operation and maintenance, eight of eleven schools in the following group are extremely large and as a consequence, have lower per capita expenditures. As the table below tends to show it is less expensive, in terms of per capita expenditures, to maintain and operate a large building than it is a small one.

In FY 68 custodial service was based on the requirements of the heating plan plus square foot area of the building. Now it is based on size, facilities, and use. The capacity in the cases below seem to have a relation to size.





	Estimated Cost of Custodial Positions a/	FY 68 Capacity	Per Capacity Pupil Cost	FY 68 ADM	Per ADM Pupil Cost
McGogney	32,970	1,056	31.22	1,352.7	24.37
Hendley	37,304	1,056	35.32	1,527.2	24.43
Congress Heights	30,316b/	480	63.15	901.2	33.64
Young	31,804	960	33.13	1,523.9	20.87
Kimball	32,705	1,056	30.97	1,318.8	24.80
Garfield	28,106	780	36.03	1,067.6	26.33
Nichols Avenue	18,167	480	37.85	731.2	24.85
Green	37,304	1,116	33.43	1,360.1	27.42
Orr	13,408	300	44.69	371.4	36.10
Draper	28,106	918	30.62	1,394.0	20.16
Moten	32,705	948	34.50	1,434.9	22.79





## POPULATION SHIFTS

Demographic analysis reveals a significant loss of white populations in certain areas of the city during the last ten years-- notably from Anacostia, and the far Northwest area east of Rock Creek Park. Concomitantly, public housing developments and inner city migration to the Northeast and Anacostia sky-rocketed the school-age population in these areas. Neither the public schools nor any other government agency has been able to meet the public services requirements of these new population concentration areas.

The evidence for these assertions is dramatically illustrated by public school enrollment data.

The elementary school population in the District of Columbia Public Schools in the school year 1969-1970 was 94.4% black, 5.6% white. Elementary schools in the District which had a white majority were:

Table A: Elementary 1970

<u>School</u>	<u>No. of Whites</u>	<u>% of Whites to Total Enrollment</u>		<u>Building Capacity</u>
Eaton-Hearst	514	661	77.8	810
Janney	375	463	81.0	600
Key-Hardy	228	428	53.3	630
Lafayette	713	736	96.9.	690
Mann-Stoddert	301	383	78.6	600
Murch	576	625	92.2	600
Oyster-Military Road	218	314	69.4	270

By comparison, in 1965 the population in the District elementary schools was 10.5% white, 89.5% black. Elementary schools in the District which had a white majority were:





Table B:            Elementary - 1965

<u>School</u>	<u>No. of Whites</u>	<u>% of Whites to Total Enrollment</u>		<u>Building Capacity</u>
Eaton-Hearst	560	614	91.2	830
Janney	479	486	98.6	610
Hardy-Key	330	339	97.3	680
Lafayette	706	710	99.4	700
Mann-Stoddert	440	444	99.1	650
Murch	654	660	99.1	710

In 1960 the racial composition showed 19.4% white, 80.6% black.

Elementary schools which had a white majority were:

Table C:            Elementary - 1960

<u>School</u>	<u>No. of Whites</u>	<u>% of Whites to Total Enrollment</u>		<u>Building Capacity</u>
Eaton-Hearst	539	554	97.3	830
Janney	512	519	98.7	610
Hardy-Key	343	345	99.4	680
Lafayette	695	695	100.0	700
Mann-Stoddert	487	490	99.4	650
Murch	750	751	99.9	710
Oyster-Adams	362	705	51.3	910

Table D:            Total Racial Comparison 1960, 1965, 1970

1969-70	Population in elementary schools	93,270	
	White	5,201	5.6%
	Black	88,069	94.4%
1964-65	Population in elementary schools	89,719	
	White	9,445	10.5%
	Black	80,274	89.5%
1959-60	Population in elementary schools	77,817	
	White	15,091	19.4%
	Black	62,726	80.6%





These tables illustrate a part of the demographic story. The loss of the white population from these public schools is a new loss, which indicates that the area west of Rock Creek Park has essentially maintained its residential, racial integrity because the small Black influx to these schools is primarily related to bussing not to residential change.

In summary, the new loss of white students from the District's public elementary schools has been of such significant proportion as to make racial imbalance a moot issue in the public schools. The fact that these predominantly white schools still had an apparently higher per pupil expenditure than other areas of the city may be explained more in terms of school size and enrollment in relation to building capacity than in alleged discriminatory practices.

#### TEXTBOOKS      SUPPLIES

The school system's policy of allocating textbooks and supplies on a per pupil basis generally results in an equalized expenditure in these areas; however, even here there can be disparities. For example, funds for textbooks and supplies are allocated in March for the coming September. If there are errors in the projected enrollment, this per pupil allocation is distorted. A reserve fund is assigned to the operating assistant superintendent, but in the past this fund has not always been sufficient to solve all of the problems created by this increase or decrease in enrollment.

Another type of textbook problem can be created by a change in the nature of the pupil population even though the population remains within the projected figure. The need for different types of textbooks other than the ones ordered before the close of school the term before, can result in the need to order additional textbooks for that school. This situation is particularly true when new programs are initiated after textbooks and supplies have been ordered in June.



In the past the system has not taken into account that in certain areas of the city the children wear out textbooks more rapidly than in other communities. The Board of Education recognizing that it was unrealistic to project the useful life of a textbook to be seven years changed the formula and now books are ordered on a replacement cycle of five years.

#### VANDALISM

Vandalism and robberies, particularly robberies, have increased so rapidly in the past several years that the replacement of broken windows, repair of vandalized buildings and resupplying of schools whose equipment and supplies have been stolen, is a significant factor in determining the cost of education in a particular school. For example, in the past school year, more than \$300,000 worth of equipment and supplies were stolen, about \$450,000 worth of window panes were replaced and a large sum of money and time was spent on making repairs after robberies, fires or vandalism.

If the robbery or vandalism occurs in the cafeteria this is charged to Food Services, if elsewhere in the building it is charged directly to the building; therefore where the damage in the building occurred is a factor in where the charge appears.

It is the opinion of your affiance that all the variables heretofore discussed must be considered when analyzing the data submitted herewith.





## PART II

The Court has directed the school system to present a detailed recitation on a school by school basis of the steps taken and the programs provided by the District of Columbia School Board to comply with the provisions of Court's opinion.

Book I, contains the financial data requested and the detailed programs it has undertaken of a compensatory nature. The financial statement covering the by school costs may be found in Section 1.

As the compensatory education programs are reviewed it would perhaps be helpful to read the statement the President of the Board of Education sent to the community on July 15, 1970. In this letter Mrs. Allen explains the system's present plight and gives a historical analysis of how the system came to its present situation. (See Book I, Section I, for a copy of this letter.)

In addition to the financial data requested by the Court for each of the District of Columbia elementary schools, certain other relevant charts and interpretations of this data are included, namely:

1. Distribution of Elementary Schools, Per Pupil Expenditures, 1969-70 School Year
2. Distribution of Elementary Schools Based on Average Daily Membership, 1969-70 School Year
3. Chart on High Cost-Low Cost Schools in Rank Order
4. A brief statement on High Cost-Low Cost Schools

All of this material may be found in Book I, Section 2, entitled Fiscal Information.

### KINDERGARTEN

Recognizing the need for children to start in the educational process at the earliest possible age, kindergarten opportunities have been made available on a city-wide basis. As of March 5, 1970, 11,083 were enrolled in the kindergarten. (Book I, Section 3) The cost of these programs is reflected in the per pupil expenditure cost.





#### PRE-KINDERGARTEN

Based upon the theory that the first few years of life are probably the most influential in determining the future development of a child, the Board of Education authorized the use of demountables in areas where facilities were not available for prekindergarten. As of March, 1970, 2,730 pupils were enrolled in pre-kindergarten classes. (Book I, Section 3)

#### URBAN SERVICE CORPS

The Urban Service Corps provides a variety of enriching and compensatory programs which supplement regularly operated programs in our schools.

Many of these programs are operated primarily by volunteers. We conservatively estimate that the value of these volunteers is better than \$300,000.

The charts in Book I, Section 4, gives a listing of the programs, by school, with an estimate of the cost value of each program. These estimated costs could not be included in our chart reflecting expenditures per school, but the services rendered by the highly competent corps of volunteers could not be ignored in indicating the total of compensatory services being rendered to the schools in our system.

#### ANACOSTIA COMMUNITY SCHOOL PROJECT

Perhaps one of the most innovative and creative compensatory education program created in our school system in recent years has been the Anacostia Community School Project, funded with a Federal grant of \$1,000,000, the bulk of which is spent on reading and compensatory education.

For a breakdown of the spending and a narrative of the programs see Book I, Section 5, Anacostia Community School Project.

#### ADAMS AND MORGAN COMMUNITY SCHOOLS

The Adams and Morgan elementary schools are operated by local school boards. The costs of operating the schools are reflected in the per pupil expenditures chart.



A central administrative office was established to provide liaison between the Board of Education and the local school board. These costs are not reflected in the per pupil expenditures of these schools.

In addition, the community board has certain grant funds which do not reflect in the per pupil costs.

Material on this project may be found in Book I, Section 6.

#### STAFF DEVELOPMENT

The Urban Teacher Corps, aimed at recruiting, qualifying and training college graduates, assigned 112 internes - 72 white and 40 black- to schools east of Rock Creek Park.

In addition, there were a number of programs such as the Teacher Innovation Fund, Analysis of Teaching Behavior, Instructional Materials, and Elementary Staff Development, which materially raised the quality of instruction in certain schools.

A detailed account of these programs, and the schools in which they operated can be found in Book I, Section 7, Staff Development.

#### READING CENTER

The staff of the Reading Center works with pupils who are severely handicapped in reading to provide remedial reading instruction and follow-up in the classroom.

They work with teachers and principals to individualize reading instruction in the classroom and assist with implementing reading programs. They interpret reading programs, test scores, and other pertinent information to the parents and the community.

The staff members provide in-service programs to improve the teaching of reading in the D. C. Public Schools.

They use and evaluate new instructional materials and keep informed of up-to-date research in the field of reading. This information is provided for school personnel and interested community members. Other duties are performed as needed.





During the 1969-70 school year approximately 6300 students received instruction from members of the Reading Center staff and 19,000 students were screened (brief testing) to provide better classroom instruction.

See Book I, Section 8, Reading Center for a chart on where these people are assigned in the elementary schools. Since many of these teachers are itinerant their salaries are not assigned to the schools they service, but assigned to the Reading Center.

#### DEPARTMENT OF PUPIL PERSONNEL

Pupil Personnel Services are for all children in the school. The Pupil Personnel Staff is concerned with those children who are experiencing the normal problems of development and with those whose problems require a more intensive and specialized type of help. Services are concerned with the developmental, the preventive, and the remedial.

The following Divisions are organized to support the instructional program:

- A. Child and Youth Division
- B. School Attendance and Work Permits Division
- C. Guidance Services
- D. Pupil Appraisal Services
- E. Speech Correction and Hearing Center
- F. Title I Program

For the most part, except for Guidance Services, these costs do not reflect in the per pupil cost of the individual schools.

A detailed account of the services offered by the Pupil Personnel Department can be found in Book I, Section 9.

#### SPECIAL EDUCATION

For the most part, Special Education costs reflect in the per-pupil expenditure in the individual schools. However, there are certain special education programs involving itinerant teachers, such as Visually Impaired, Visiting Instruction Corps, the class at the





Magruder Building and students who receive tuition which are charged to the Department, not a school.

For an account of the various programs and the location of the different classes, please see Book I, Section 10, Special Education.

#### WORK SCHOLARSHIP

The Work Scholarship Program is essentially a drop-out prevention program. The two programs operated by the Work Scholarship Office employ students to work in schools either before or after school. (See Book I, Section 11).

The dollar value of the services received by school has not been determined. However, the chart shows the breakdown by elementary schools of the number of students working and the number hours of service given. Students are paid at the rate of \$1.60 per hour.

#### FREE BREAKFAST AND LUNCH PROGRAM

This program embraces the entire school system. Parents of all children were sent a notice informing them of the program and urging them to enroll their children. A total of 22,881 students were served a free lunch everyday at a cost of \$14,186.22 per day. A total of 12,500 students were served a free breakfast everyday at a cost of \$3,125.00 per day.

The cost of this program is not reflected in the per pupil expenditure per school, but is charged to the Food Service Account.

For a detailed breakdown of the schools where these meals were served see Book I, Section 12, Free Lunch and Breakfast Program.

#### NONRESIDENT TUITION PROGRAM

The Board of Education has liberalized its Nonresident Tuition Program to eliminate the need for persons in the low socio-economic level to pay tuition fees for school age children in their custody.

The Nonresident Tuition Program provides free education to those children whose parents or legal guardians live outside the District of Columbia and are unable to provide care, custody, or support for the pupil. This has resulted in educational programs becoming



available on a non-payment basis for 2,514 non-resident pupils.

The cost of educating each pupil is included in the school-by-school breakout. However, the administrative costs of operating the program is not herein reflected.

A detailed report of this may be found in Book I, Section 13.

#### BUSING PUPILS

The D. C. Public Schools bussed a peak total of 1,702 elementary pupils in an effort to reduce overcrowded conditions in schools located in Southeast Washington.

A breakdown of the schools involved may be found in Book I, Section 14.

A total of \$355,281.53 was expended during the Fiscal Year 1970 for the busing of elementary school pupils from the over-crowded schools in the far southeast to undercapacity schools both east and west of Rock Creek Park.

The charges for this busing do not appear in any school's per pupil cost.

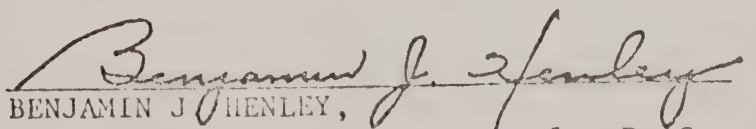
#### FEDERAL PROGRAMS

Projects supported by Federal Funds are used extensively in the provision of compensatory programs for designated schools in our system.

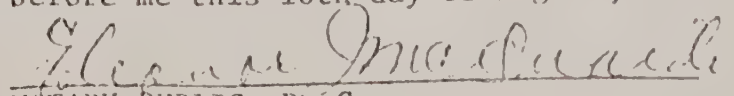
A breakdown of the budget information by schools for elementary projects may be found in Book II, Federal Programs.

The bulk of the compensatory programs are supported by Federal funds. Some of this information can also be found under other subject matter areas.

Part III, which will provide additional information which the affiant deems appropriate will be submitted to the Court within a few days.

  
BENJAMIN J. HENLEY,  
Acting Superintendent of Schools, D. C.

Sworn and subscribed to before me this 10th day of August, 1970

  
Eleanor MacBride  
NOTARY PUBLIC, D. C.





IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Hobson, et al.

v.

Hansen, et al.

:  
:  
:  
:  
:

No. 82-66

AMENDED MOTION FOR FURTHER RELIEF  
AND FOR ENFORCEMENT OF DECREE

Plaintiff Julius W. Hobson, an original plaintiff in the class action which lead to this Court's prior judgment and decree herein of June 19, 1967, hereby moves for further relief and for enforcement of that decree as follows:

1. Defendants have violated two principal portions of this Court's prior opinion and decree herein based on data they themselves have supplied.

- a. Defendants have failed to equalize educational resources in District of Columbia elementary schools in contravention of this Court's holding that "the minimum the Constitution will require and guarantee is that for their objectively measurable aspects these schools be run on the basis of real equality, at least unless any inequalities are adequately justified." [269 F. Supp. at 496; emphasis added.] For example, per-pupil expenditures in fiscal 1968 range from a low of \$292 in one elementary school to a high of \$798 at another--a spread of \$506. The fiscal 1964 data, upon which this Court based its prior opinion herein, showed a range from \$216 to \$627--a spread of \$411.





b. Defendants have violated this Court's permanent injunction against discrimination on the basis of "economic status in the operation of the District of Columbia public school system." [269 F. Supp. at 517.] For example, the data show that in 1968, just as in 1965, per-pupil expenditures in the highest income neighborhoods (above \$10,000) are substantially higher than those in low income neighborhoods. The pattern of discrimination for fiscal 1968--the last year for which defendants have been able or willing to supply data--is similar to that revealed by the fiscal 1965 data relied upon by this Court in its prior opinion. In addition, the average per-pupil expenditure in fiscal 1968 at all elementary schools west of Rock Creek Park was \$103 higher than the average at all elementary schools east of the Anacostia River.

2. In 1967, this Court deferred any more specific remedy for educational resource inequality "until the dust surrounding this fall's 'substantial' teacher integration settles" [269 F. Supp. at 499]. It did so presumably because it believed that reassignment of some "highest salaried" white teachers to predominantly Negro schools would "serve as a vehicle for equalizing faculty" (id.) and thereby also for equalizing per-pupil expenditures [see 269 F. Supp. at 438]. However, the examples cited in paragraphs 1 a. and b. above, conclusively demonstrate that the expected equalization has not occurred and that discrimination on the basis of economic status persists. It is quite likely that the fiscal 1968 data mask even greater discrimination based on economic status in



the allocation of "regular budget" educational resources than they appear to show on their face because the fiscal 1968 data--unlike the fiscal 1964 and 1965 data upon which this Court based its prior opinion--include "impact aid funds" which are required by law to be concentrated "in the underprivileged attendance areas of the city" and which are substantial in amount. [See 269 F. Supp. at 440.]

3. On the basis of the aforementioned evidence of non-compliance with this Court's prior opinion and decree herein, as elaborated more fully in the attached Memorandum of Points and Authorities incorporated herein by reference, plaintiffs hereby respectfully move that this Court order the defendants to equalize per-pupil expenditures in District of Columbia elementary schools as follows:

- a. On or after October 1, 1970, per-pupil expenditures from the regular District of Columbia budget (excluding impact aid funds, Title I ESEA funds, UPO funds, and, in general, all funds not from the regular congressional appropriation) in any single elementary school (not "administrative unit"), shall not deviate by more than 5% from the average per-pupil expenditure for all elementary schools in the District of Columbia school system. The 5% limit may be exceeded only for "adequate justification" shown to this Court in advance. "Adequate justification" shall include only provision of compensatory education for educationally deprived pupils or provision of special educational services for the mentally retarded or physically handicapped.
- b. By October 1, 1970, and by October 1 of each succeeding year thereafter, defendants shall serve on plaintiffs, file with the Clerk of this Court, and cause to be disseminated to all parents of elementary school children in the District of Columbia information sufficient to establish compliance





with the order for per-pupil expenditure equalization. At a minimum, such information shall include, in tabular form for each elementary school (not administrative unit), data in the following categories: (1) Name of school; (2) Income level of the neighborhood from latest available U.S. Census data; (3) Average daily membership; (4) Total expenditures from the regular D.C. congressional appropriation only; (5) Per-pupil expenditures from the regular D.C. congressional appropriation only; (6) Total expenditures from impact aid funds; (7) Per-pupil expenditures from impact aid funds; (8) Total expenditures under Title I of the Elementary and Secondary Education Act of 1965; (9) Per-pupil expenditures under Title I of the Elementary and Secondary Education Act of 1965; (10) Total of all other expenditures; (11) Total of all expenditures from all sources; (12) Per-pupil expenditures from all sources.

- c. In each report filed and disseminated pursuant to the requirements of paragraph 3.b. above or in any document filed in response to this Motion, defendants must specifically indicate in what respects, if any, their methods of computing the data in that report or document differ from the methods used in computing the fiscal 1964 and 1965 data previously relied upon by this Court or the fiscal 1968 data analyzed in this motion.



As noted in the attached Memorandum of Points and Authorities, it should be stressed that the remedy plaintiffs request herein does not constitute an endorsement of the abstract idea that "equal dollars" necessarily maximize "equal educational opportunity". Plaintiffs agree that in certain instances, such as educating pupils from underprivileged neighborhoods, it is sound policy to spend more than the system-wide average to maximize equality of opportunity. However, in the District of Columbia, large sums of money running into the millions of dollars are available for strictly compensatory purposes under the impact aid program and under Title I of the Elementary and Secondary Education Act of 1965. Plaintiffs contend that the elementary school system ought to be properly operated for a reasonable period of time with equalized per-pupil expenditures from the regular budget in all schools supplemented with special federal compensatory funds (and other funds for other special purposes from federal and private sources) before deciding whether defendants should be required by this Court to spend regular budget funds in a compensatory manner. (However, plaintiffs' proposed order permits and plaintiffs would encourage defendants to spend voluntarily regular budget funds in a compensatory manner.)

Nor do plaintiffs urge that other specific substantive measures--such as the closing of certain schools or the further reassignment of teachers--are necessary at this time to secure equality of educational opportunity. The equal expenditures standard, coupled with the provision enabling defendants (after notice to and approval by this Court) to make greater expenditures for compensatory or special educational services, seems preferable. It promotes a more manageable arrangement for the operation of the public schools, both in terms of judicial efficiency and in terms of educational flexibility.

For the reasons outlined above and in the attached Memorandum of Points and Authorities incorporated herein by reference, together





with such other reasons as may be presented in further responsive pleadings or on oral hearing, plaintiffs respectfully move that this Court issue the order referred to in paragraphs 3.a. - c. above. After issuing such an order, this Court should retain jurisdiction to insure compliance therewith.

Respectfully submitted,

---

Peter F. Rousselot  
815 Connecticut Avenue  
Washington, D.C. 20006

Of Counsel:

Ralph J. Temple  
American Civil Liberties  
Union Fund  
1424 16th Street, N.W.  
Washington, D.C. 20036

---

Robert J. McManus  
Gregory M. Gallo  
1156 15th Street, N.W.  
Washington, D.C. 20005

Of Counsel:

Attorneys for Plaintiffs

David L. Kirp  
Center for Law and Education  
Harvard University  
24 Garden Street  
Cambridge, Massachusetts 02138



Certificate of Service

I, Peter F. Rousselot, hereby certify that on this 19th day of May, 1970, I sent by first class mail, postage prepaid, copies of the foregoing "Amended Motion For Further Relief and For Enforcement of Decree", together with the Memorandum of Points and Authorities and Appendix in support thereof, as follows: one copy to each member of defendant District of Columbia School Board, in care of Gertrude L. Williamson, Executive Secretary of that Board at 415 12th Street, N.W., Washington, D.C. 20004; one copy to defendant Acting Superintendent of Schools of the District of Columbia, at 415 12th Street, N.W., Washington, D.C. 20004; two copies to Hubert B. Pair, Acting Corporation Counsel, D.C., attorney for defendants, District Building, Washington, D.C. 20004; and one copy to Don R. Allen, attorney for intervenors Mr. and Mrs. William Bennett and Mrs. Valerie Allen, 1200 Tower Building, Washington, D.C. 20005.

---

Peter F. Rousselot





IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Hobson, et al.

v.

Hansen, et al.

:  
:  
:  
:  
:

No. 82-66

MEMORANDUM OF POINTS AND AUTHORITIES IN  
SUPPORT OF AMENDED MOTION FOR FURTHER  
RELIEF AND FOR ENFORCEMENT OF DECREE

In its prior opinion herein, this Court limited its analysis of the available data on per-pupil expenditure differentials between District of Columbia schools to data on such expenditures from the general congressional appropriation for the District because such data "facilitate the court's exploration of the equities in the school administration's distribution of assets among the schools in precisely those situations when the policies and purposes of distribution come squarely within its control" (269 F. Supp. at 437; emphasis added.) After that examination disclosed discrimination in per-pupil expenditures on the basis of both racial and economic status, this Court enjoined all such discrimination in the future (269 F. Supp. at 517). It also held that "the minimum the Constitution will require and guarantee is that for their objectively measurable aspects these schools be run on the basis of real equality, at least unless any inequalities are adequately justified". (269 F. Supp. at 496; emphasis added.)

This Court relied upon per-pupil expenditure data in defining the "objectively measurable aspects" which the District was constitutionally required to equalize. (269 F. Supp. at 436-438, 495-496.) Virtually all important objectively measurable educational resources are reflected in per-pupil expenditures. Reports from the U.S. Office



of Education state that "the typical public school district allocates about 75% of expenditures to instruction." Classroom teachers constitute a substantial item of "instruction" and customarily account for approximately 85% of the total amount spent on instruction. . Thus, the average district allocates from 60% to 65% of current expenditures to teachers' salaries.<sup>1/</sup> Low or high expenditures per-pupil reflect differences in the salaries paid temporary and permanent teachers. They also reflect the distribution of books per pupil, the allocation of equipment and supplies, the availability of library books and space, and the assignment of special experiments in education by schools.

In its prior opinion, this Court found certain of the differentials in per-pupil expenditures based on fiscal 1964 and fiscal 1965 data to be "spectacular", and it disposed of defendants' lame contentions that they were "paper statistics only." (269 F. Supp. at 437-438.) Despite these findings and rulings, data on per-pupil expenditures supplied by defendants themselves,<sup>2/</sup> demonstrate that discrimination on the basis of economic status persists and certain of the differentials continue to be spectacular.

Chart 1 in the Appendix to this Memorandum of Points and Authorities is a reproduction of an exhibit introduced at the original trial of this case based on fiscal 1965 data on per-pupil expenditures. It shows that those neighborhoods with income ranges from \$9,000 to \$12,000 and up, had higher expenditures per-pupil in their elementary schools than did those neighborhoods with income ranges from under \$3,000 to \$8,999.<sup>3/</sup>

---

<sup>1/</sup> National Education Association, Division of Fields Services and Association of Classroom Teachers - Guidelines: For Effective Representation of Teachers #9-1969-6 pages.

<sup>2/</sup> See the Memorandum dated May 26, 1969, from the District of Columbia Superintendent of Schools to a Committee of the District of Columbia School Board, attached hereto in the Appendix as Exhibit A. See also the additional data later supplied at that Committee's request, attached hereto as Exhibit B. A description of the data contained in these Exhibits appears in the Appendix.

<sup>3/</sup> All income ranges are from 1960 U.S. Census data.





Chart 2 shows that in fiscal 1968 the highest income neighborhoods from \$10,000 to \$12,000 and over still had higher average expenditures per-pupil in their elementary schools than any other income neighborhoods in the city. Although Chart 2 does indicate some relative improvement over Chart 1 in the lowest income neighborhoods (\$4,000 and under), it is significant that Chart 2 includes impact aid funds and UPO funds which are not included in Chart 1. Since the substantial impact aid<sup>4 /</sup> funds that the District receives are required to be concentrated in the "underprivileged attendance areas of the city" (269 F. Supp. at 440), the relative improvement of the elementary schools in the lowest income neighborhoods may be due to the concentration of the impact aid funds in those schools.

Chart 3 in the Appendix is also a reproduction of an exhibit introduced at the original trial of this case based on fiscal 1964 data from the regular budget only. It shows that per-pupil expenditures at 11 selected elementary schools all located west of Rock Creek Park were substantially higher than per-pupil expenditures at 11 selected elementary schools all located in southeast Washington.<sup>5 /</sup> Chart 3 shows a spread of \$411 between the highest and lowest selected schools in per-pupil expenditures.

Chart 4 in the Appendix, based on data from the regular budget plus impact aid and UPO funds, lists the 11 lowest and 11 highest schools in terms of expenditures per-pupil in fiscal 1968. It shows that 10 out of the 11 schools with the lowest expenditures per-pupil are located in Anacostia<sup>6 /</sup> and that 4 of those with the highest expenditures per-pupil are located west of Rock Creek Park. The spread between the highest average expenditure per-pupil elementary school in 1968 (Bundy \$798) and the lowest (McGogney \$292) was \$506 compared to the \$411 spread for the selected elementary schools shown on Chart 3.

---

<sup>4 /</sup> For example, in fiscal 1966 and 1967, the District schools were eligible for and received \$4,300,000 in impact aid funds. (269 F. Supp. at 440.)

<sup>5 /</sup> Seven out of the 11 schools were located east of the Anacostia River.

<sup>6 /</sup> See note 5 supra.



Table 1 in the Appendix summarizes the fiscal 1968 per-pupil expenditure data for each elementary school west of Rock Creek Park, and each elementary school east of the Anacostia River. That comparison reveals the startling fact that the average per-pupil expenditure at all elementary schools west of the Park is \$103 higher than the average at all elementary schools east of the Anacostia River.

In light of the evidence of discrimination on the basis of economic status outlined above, coupled with the frequently spectacular differentials in per-pupil expenditures that persist between individual elementary schools, it becomes appropriate to consider what more specific relief is now required.

In 1967, this Court deferred a more specific decree on educational resource equalization "until the dust surrounding this fall's 'substantial' teacher integration settles." (269 F. Supp. at 499.) There were, no doubt, several reasons for deferring such a more specific decree, among them the apparent expectation that "substantial" teacher integration would produce substantial equalization of per-pupil expenditures because teachers' salaries comprise a significant portion of those expenditures<sup>7/</sup> and because a large number of the highest paid teachers were white teachers teaching on all-white or almost all-white elementary school faculties. (See 269 F. Supp. at 438 and 499) This Court may also have been swayed by the fact that many of these issues of remedy "were ignored at trial by counsel for both sides, each intent instead on establishing or refuting the primary constitutional violation." (269 F. Supp. at 516)

It is plaintiffs' contention that, as soon as the "dust settled" with the filing in this Court of defendants' progress report on faculty integration on January 2, 1968, it was defendants' responsibility to immediately take an inventory of educational resource distribution in the District of Columbia schools in each of the areas discussed in this Court's prior opinion herein (see 269 F. Supp. at 431-442; 495-499; 516-517). Once having taken such an inventory, defendants immediately

---

<sup>7/</sup> See note 1 supra.





and eagerly should have moved voluntarily to equalize resources in accordance with the general principles outlined in this Court's prior opinion. Yet defendants did nothing of the sort. In part, this may have been because they were unaware of the mandate of this Court's opinion on educational resource equalization and also unaware of the mandate of at least two federal statutes. In part, it may have been because the School Board and the School Administration kept "passing the buck" back and forth as to whose responsibility it was to "implement the Wright decision".

Consider, for example, the following statement by one School Board member, generally considered progressive on educational matters, at a School Board meeting held on July 14, 1967:

One of the unfortunate things about the data on which the Wright decision is based is that this data is three years old and I expect a great deal of that would be different if we would use the current data \*\*\*. \*\*\* I take it for instance that in the first decree, the one relating to discrimination the defendants are permanently enjoined from discrimination on the basis of racial and economic status. I take it he is referring to the difference in per-pupil expenditure in the low income schools and the schools west of Rock Creek Park. My guess is that differential would be much smaller now. His figures were based on a period before the elementary-secondary act was in effect, and that is on the low income schools \*\*\*. \*\*\* I expect that Section I [of the decree] has been pretty well taken care of now by the impact aid program and by the elementary and secondary education program. [Transcript, pp. 21-22.]

This statement misinterprets this Court's prior opinion requiring, on constitutional grounds, equalization of objectively measurable educational resources purchased through the general congressional appropriation for the District of Columbia. It also misinterprets the statutory requirements of Title I of the Elementary and Secondary Education Act of 1965. Funds allocated under Title I are meant to provide a compensatory supplement to local funds. They are not meant to supplant local funds; nor are they to be used to equalize expenditures between schools. <sup>8 /</sup> This federal program

---

<sup>8 /</sup> Title I, §109(a) (1970) is the statutory provision currently in effect which requires comparability of local expenditures prior to receiving Title I federal funds. The former provision requiring comparability was contained in 45 C.F.R. §116.17(h), enacted pursuant to the congressional declaration of the compensatory purposes of Title I set forth at 20 U.S.C. §241a. Although Title I, §109(a) (1970) appears to temporarily bar the remedy of a cut-off of federal Title I funds by the Office of Education for violations of comparability standards, there is nothing in §109(a) which prohibits an appropriate private party from seeking equitable relief in the courts for violations of those standards.



requires that the school district provide equal resources to all children from its regular budget prior to receiving Title I aid. Funds under this special federal program are not intended to perform the constitutionally and statutorily mandated equalization function, but rather to supplement local resources, to provide additional and compensatory education for educationally deprived school children.

In view of this Court's prior holding that objectively measurable educational resources from the general congressional appropriation must be allocated equally, and in light of the previously noted congressional requirement that impact aid funds be concentrated in the "underprivileged attendance areas of the city", it is clear that impact aid funds in the District of Columbia also must be used to provide a compensatory supplement to the general congressional appropriation not to supplant it.

Another example of uncertainty on the part of the School Board as to its legal obligations occurred at a School Board meeting on July 2, 1969, when one Board member stated, in connection with a proposal to check certain school zone boundary changes with this Court in advance:

I feel that I am going to have to vote against the proposal that we go to Judge Wright.

First of all, the data on which Judge Wright based his decree--are now several years old--and may or may not be just as adaptable. \*\*\*

[I]t would seem to me that it would be an awful lot better if the Board did decide what it wanted to do, what was right to do--and then did it.

If we are illegal, we will find out soon enough.  
[Transcript, pp. 42-43.]

Perhaps it is not surprising that members of the School Board were uncertain about these vital statutory and court-mandated requirements. At a School Board meeting held on December 29, 1967 to consider various progress reports due to be filed (and, in fact, filed) with this Court on January 2, 1968, members of the Board were told by their legal advisor, a representative of the D.C. Corporation Counsel's office, that he "would not presume to judge what Judge Wright would decide with regard to the sufficiency of the reports." [Transcript, p. 18.]





Another important reason why the defendants in this case have never moved to implement the educational resource equalization portions of this Court's prior opinion has been an inability to decide which defendant is responsible for such implementation. Consider the following exchange which took place at a School Board meeting on July 7, 1969 between a School Board member and the then Superintendent of Schools:

Superintendent: We thought that inasmuch as the Wright Committee had been working ever since this new Board has been in operation, it would have been a little presumptuous for us to have moved ahead in terms of developing any specific proposal. I think that really this is a policy matter that comes from the Board of Education. [Transcript, p. 94.]

Board Member: It seems to me there is nobody on the Board who can take a thousand pages of figures and come up with a policy. And I do not think it is our obligation as individuals to do that; to see that it is done, but not to do it. [Transcript, pp. 96-97.]

The foregoing review of defendants' misinterpretation and uncertainty about the requirements of this Court's prior decision in the area of educational resource equalization highlights the necessity for granting more specific relief at this time. The specific orders with respect to such equalization which plaintiffs now seek are the product of almost 3 years of experience with defendants' inaction in this area; a careful review of this Court's prior opinion herein; and a review of what other courts have found to be judicially manageable standards. With respect to the latter point, it should be noted that many courts have ordered equalization of per-pupil expenditures in all schools within a single school district. See, e.g., Kelly v. Altheimer, 378 F. 2d 483, 499 (8th Cir. 1967); United States v. Jefferson County Board of Education, 372 F. 2d 836, 899-900 (5th Cir. 1966), aff'd per curiam on rehearing en banc, 380 F. 2d 385 (5th Cir.), cert. denied, 389 U.S. 840 (1967); United States v. Plaquemines Parish School Board, 291 F. Supp. 841, 846 (E.D. La. 1967), aff'd as modified, 415 F. 2d 817 (5th Cir. 1969); Hill v. LaFourche Parish School Board, 291 F. Supp. 819, 822-823 (E.D. La. 1967); Lee v. Mason County Board of Education, 267 F. Supp. 458, 488-489 (M.D. Ala.), aff'd., 389 U.S. 215 (1967).



The reference in the requested order to individual elementary schools rather than "administrative units" is necessary because the D.C. School Administration, in originally reporting the 1968 per-pupil expenditure data, attempted to lump two or more elementary schools together as "administrative units" and report only the per-pupil expenditures for the unit. Once individual data for each component school were obtained, they often showed marked disparities from one school to another which were "averaged out" when only the administrative unit figure was reported. For example, the "Hyde-Fillmore-Jackson" administrative unit had an average per-pupil expenditure for the unit of \$450, but the separate school figures ranged from a high of \$510 at Fillmore to a low of \$386 at Jackson--a spread of \$124. (See Exhibits A & B in the Appendix.)

Requiring equalization of per-pupil expenditures at each elementary school compared to the system-wide average per-pupil expenditure for all elementary schools will guarantee that shifts in the areas of the city where low and high income residents live will not reintroduce discrimination on the basis of economic status. Such discrimination could be reintroduced if this Court merely ordered an increase in per-pupil expenditures in certain specified schools based on presently acceptable income level data which later might prove out-of-date.

Although the School Administration should strive for precise mathematical equality in per-pupil expenditures from the regular budget (except for "adequate justification" shown to this Court in advance), the permissible 5% deviation is designed to provide the administrative leeway necessary to deal with that "fraction" of per-pupil expenditures which this Court in its prior opinion found "not [to] betoken real inequalities in educational opportunities." (269 F. Supp. at 437.)

It should be stressed that the remedy plaintiffs request herein does not constitute an endorsement of the abstract idea that "equal dollars" necessarily maximize "equal educational opportunity". Plaintiffs are well aware that this Court, in its prior opinion, held that.



Where because of the density of residential segregation or for other reasons children in certain areas, particularly the slums, are denied the benefits of an integrated education, the court will require that the plan [to alleviate pupil segregation] include compensatory education sufficient at least to overcome the detriment of segregation and thus provide as nearly as possible, equal educational opportunity to all schoolchildren. [269 F. Supp. at 515.]

However, in the District of Columbia, large sums of money running into the millions of dollars are available for strictly compensatory purposes under the impact aid program and under Title I of the Elementary and Secondary Education Act of 1965. It seems to plaintiffs that the elementary school system ought to be properly operated for a reasonable period of time with equalized per-pupil expenditures from the regular budget in all schools supplemented with special federal compensatory funds (and other funds for other special purposes from federal and private sources) before deciding whether defendants should be required by this Court to spend funds from the general congressional appropriation in a compensatory manner. (However, plaintiffs' proposed order permits and plaintiffs would encourage defendants voluntarily to spend those funds in a compensatory manner.)

It should also be observed that the remedy plaintiffs propose leaves it entirely to the discretion of the defendants how per-pupil expenditures should be equalized. Without in any way waiving their rights to request more specific equalization decrees in the future, plaintiffs in this suit seek only equalization of per-pupil expenditures themselves.

In order to insure compliance with their per-pupil expenditure decrees, each of the courts whose equalization decrees were cited above imposed strict annual reporting requirements on the school administration. Such requirements are particularly crucial here in view of the repeated expressions (or wishes) on the public record by School Board members, to the effect that "because the data on which the prior decision was based are now probably out of date" the legal conclusions based on the data may no longer be valid.





There are two principal problems with this "out-of-date" rationale in the per-pupil expenditure area--and perhaps in many other areas as well. First, the D.C. School Board and the School Administration frequently are not sure what data to collect in order to see whether their "suspicions", "hopes", etc. about an "improved situation" are right or wrong. Second, even if they know what pertinent data should be compiled, they have proved unwilling or unable to provide it systematically. Requests to do so are usually met with one of the following responses:

1. That data is "unavailable".
2. That data is "available", but has not been computed. It would be too expensive or difficult to compute it. We should be spending our scarce resources educating children not compiling reports.
3. We will supply you with that data but only just this once.

While these responses might be appropriate to deal with truly frivolous requests, the information at issue here is basic not frivolous. It is necessary to establish whether the School Board and School Administration are complying with this Court's prior decision. Even without that decision, it is necessary to establish compliance with Title I of the Elementary and Secondary Education Act of 1965.<sup>9 /</sup> Leaving aside that statute, such information is prima facie an essential tool of educational policy that the School Board should be eager to have.

Under these circumstances it is startling that defendants themselves have not voluntarily required that such information be compiled and published every year. The failure to do so suggests to plaintiffs the only somewhat novel aspect of their requested remedy--that the minimum 12 categories of information, in the tabular form referred to in the Motion, be required by this Court to be disseminated to all elementary school parents.

---

<sup>9 /</sup> Title I requires submission of periodic reports establishing compliance with its comparability standards. Title I, §109(a) (1970).



As a result of years of litigation and administrative proceedings, the U.S. Securities and Exchange Commission has developed comprehensive reporting requirements which apply whenever a stockholder is asked to vote on election of directors and other major corporate matters. Prior to so voting, each stockholder must be given a proxy statement which must include, inter alia, certified financial statements and information on officers' salaries, etc. In many ways, District of Columbia elementary school parents have a greater stake in the success of their children's schools than the stockholders of General Motors have in that company. They are entitled to know at least the rudimentary information in the 12 categories referred to in the attached Motion in order to make intelligent decisions about their schools and to participate intelligently in improving them. It is no answer to say that the school budget is "public". Even the School Board member quoted earlier in this memorandum was stupefied by those "thousand pages of figures". Relying solely on the budget is like telling a stockholder that he can come to company headquarters and "inspect the books".

For all the reasons outlined above, we urge this Court to grant plaintiffs' proposed decrees in the form outlined in the attached Motion.

Respectfully submitted,

---

Peter F. Rousselot  
815 Connecticut Avenue  
Washington, D.C. 20006

Of Counsel:

Ralph J. Temple  
American Civil Liberties  
Union Fund  
1424 16th Street, N.W.  
Washington, D.C. 20036

---

Robert J. McManus  
Gregory M. Gallo  
1156 15th Street, N.W.  
Washington, D.C. 20005

Of Counsel:

Attorneys for Plaintiffs

David L. Kirp  
Center for Law and Education  
Harvard University  
24 Garden Street  
Cambridge, Massachusetts 02138





A P P E N D I X



## APPENDIX

Exhibit A in this Appendix contains, in tabular form, data on per-pupil expenditures in District of Columbia elementary schools supplied by defendant Superintendent of Schools to a Committee of defendant School Board on May 26, 1969. Because certain of the data in Exhibit A were provided only for groups of two or more schools known as "administrative units" (e.g., "Hyde-Fillmore-Jackson"), that Committee requested a further breakdown of the data for those units showing per-pupil expenditures for the individual component schools comprising each administrative unit. That breakdown, also supplied by defendant Superintendent of Schools, appears in this Appendix as Exhibit B.

Charts 2 and 4 in this Appendix have been prepared by plaintiffs from the data, for fiscal 1968, which appears in the columns in defendants' tables marked "ADM" and "Expenditures D.C. Budget" in Exhibit A, and "ADM" and "General Fund Expenditures" in Exhibit B. The covering letter from defendant Superintendent of Schools and footnote c to the column "Expenditures D.C. Budget" in Exhibit A indicate that the data in that column for fiscal 1968 include UPO funds and impact aid funds. Data on "income level of neighborhood" are the same data used at the prior trial of this case--1960 U.S. Census data.

Table 1 in this Appendix has also been prepared by plaintiffs from the same columns of data supplied by defendants that plaintiffs used to prepare Charts 2 and 4.

Charts 1 and 3 in this Appendix are photographically reduced reproductions of exhibits introduced at the original trial of this case in 1966.



PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA  
SUPERINTENDENT OF SCHOOLS  
PRESIDENTIAL BUILDING  
415 - 18TH STREET, N. W.  
WASHINGTON, D. C. 20004

May 26, 1969

Mr. Julius W. Hobson, Chairman, Board of Education's  
Committee to Study the Implementation of the Wright Decree  
300 N Street, S. W. #510  
Washington, D. C. 20024

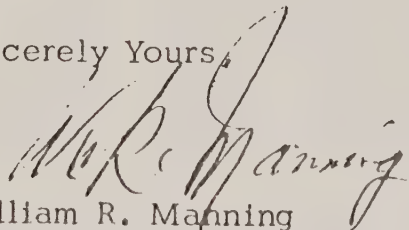
Dear Mr. Hobson:

The attached report, CHART B - AVERAGE EXPENDITURE PER PUPIL for FY 1963, FY 1965, FY 1968, is submitted as per the instructions of the Board of Education. The data for this report were developed from information provided by the Accounting Department and the Automated Information Services.

The column entitled "ESEA Title II" and "Other Funds" represents ESEA Title II (Library Books) in all instances with the exception of the Military Road Elementary School which received an allocation of \$8,046.20 from P.L. 313. In FY 1968, the column entitled "ESEA Special Program Expenditures" represents programs funded under Title I and Title III. The column entitled "Expenditures D. C. Budget for FY 1968" represents funds appropriated for the operation of D. C. Public Schools in the regular District of Columbia Appropriation, Impact Aid Funds and UPO Funds. A narrative report discussing these charts is attached for your information.

In addition to the regular listings of expenditures by schools, listings have been prepared indicating expenditures by schools in each Ward in order that comparisons may be made among the schools in different areas of the city.

Sincerely Yours,

  
William R. Manning  
Superintendent of Schools

WRM/mgj

cc: Members of the Board  
Mr. Henley





FISCAL YEAR 1966

FISCAL YEAR 1965

FISCAL YEAR 1963

	Bldg. Capacity	ADM	Other Funds	ESEA Special Program Expenditures	Total ESEA Expenditures D.C. Budget	Expenditures D.C. Budget	Average Expenditures per Pupil	Bldg. Capacity	ADM	Other Funds	ESEA Special Program Expenditures	Total ESEA Expenditures D.C. Budget	Expenditures D.C. Budget	Average Expenditures per Pupil
Adams-Oyster <sup>1</sup>	910	627.7	222,389.57	354.20	910	599.0	242,858.45	405.44	599.0	242,858.45	405.44	599.0	242,858.45	405.44
Aten	1,016	936.6	256,136.16	273.47	1,016	936.6	256,136.16	273.47	936.6	256,136.16	273.47	936.6	256,136.16	273.47
Aten	806	635.8	181,585.66	285.60	806	635.8	181,585.66	285.60	635.8	181,585.66	285.60	635.8	181,585.66	285.60
Barnard	550	838.2	205,271.31	244.90	550	800.6	299,558.68	330.02	800.6	299,558.68	330.02	800.6	299,558.68	330.02
Barnard	1,026	1,142.4	297,610.46	260.51	1,026	1,271.6	393,471.78	309.43	1,271.6	393,471.78	309.43	1,271.6	393,471.78	309.43
Beebe	680	737.8	189,122.28	256.35	680	804.7	224,216.10	278.63	804.7	224,216.10	278.63	804.7	224,216.10	278.63
Beebe	520	518.4	147,999.15	285.49	520	513.8	173,446.90	337.97	513.8	173,446.90	337.97	513.8	173,446.90	337.97
Beebe	920	964.6	280,009.92	290.20	920	1,067.8	338,583.58	371.18	1,067.8	338,583.58	371.18	1,067.8	338,583.58	371.18
Beebe	480	442.4	154,449.64	349.12	480	490.6	162,778.39	331.80	490.6	162,778.39	331.80	490.6	162,778.39	331.80
Beebe	520	791.9	222,442.46	280.90	520	715.4	216,433.65	301.27	715.4	216,433.65	301.27	715.4	216,433.65	301.27
Beebe	726	687.3	207,007.61	301.19	726	624.0	261,963.45	419.33	624.0	261,963.45	419.33	624.0	261,963.45	419.33
Beebe	574	693.9	198,148.46	285.56	574	729.1	211,754.58	390.19	729.1	211,754.58	390.19	729.1	211,754.58	390.19
Beebe	700	653.2	228,543.15	349.88	700	750.1	295,069.91	393.37	750.1	295,069.91	393.37	750.1	295,069.91	393.37
Beebe	838	825.3	248,685.89	301.33	838	878.6	285,166.29	334.57	878.6	285,166.29	334.57	878.6	285,166.29	334.57
Beebe	640	599.8	208,498.08	347.61	640	654.5	238,799.26	364.86	654.5	238,799.26	364.86	654.5	238,799.26	364.86
Beebe	600	434.5	217,363.89	500.26	600	422.2	256,164.00	406.73	422.2	256,164.00	406.73	422.2	256,164.00	406.73
Beebe	780	946.9	218,970.70	231.25	780	1,119.3	309,455.27	376.47	1,119.3	309,455.27	376.47	1,119.3	309,455.27	376.47
Beebe	928	933.1	248,784.23	266.62	928	969.9	302,900.67	311.37	969.9	302,900.67	311.37	969.9	302,900.67	311.37
Beebe	640	554.6	208,990.01	376.83	640	615.1	223,513.89	363.38	615.1	223,513.89	363.38	615.1	223,513.89	363.38
Beebe	580	682.2	216,744.81	317.71	580	707.8	220,019.61	310.85	707.8	220,019.61	310.85	707.8	220,019.61	310.85
Beebe	480	593.4	168,943.77	284.71	480	697.0	207,151.08	297.21	697.0	207,151.08	297.21	697.0	207,151.08	297.21
Beebe	620	762.1	228,192.47	299.43	620	791.5	252,236.98	318.68	791.5	252,236.98	318.68	791.5	252,236.98	318.68
Beebe	896	1,062.7	243,876.66	229.49	896	868.0	293,666.50	338.09	868.0	293,666.50	338.09	868.0	293,666.50	338.09
Beebe	520	567.5	166,592.19	293.55	520	559.1	200,526.09	358.68	559.1	200,526.09	358.68	559.1	200,526.09	358.68
Beebe	800	1,110.8	271,443.71	244.37	800	1,443.6	423,837.56	293.60	1,443.6	423,837.56	293.60	1,443.6	423,837.56	293.60
Beebe	938	924.3	248,519.61	268.87	938	1,151.6	312,778.51	270.64	1,151.6	312,778.51	270.64	1,151.6	312,778.51	270.64
Beebe	1,106	1,030.5	280,235.07	270.94	1,106	998.5	327,421.35	327.91	998.5	327,421.35	327.91	998.5	327,421.35	327.91
Beebe	830	564.9	202,747.54	390.77	830	621.6	286,501.94	460.91	621.6	286,501.94	460.91	621.6	286,501.94	460.91
Beebe	680	739.2	205,555.05	278.08	680	749.4	241,385.35	322.10	749.4	241,385.35	322.10	749.4	241,385.35	322.10
Beebe	520	789.2	194,409.31	246.34	520	748.9	219,581.50	293.21	748.9	219,581.50	293.21	748.9	219,581.50	293.21
Beebe	640	591.7	207,194.39	350.17	640	693.2	217,586.04	313.89	693.2	217,586.04	313.89	693.2	217,586.04	313.89
Beebe	800	914.1	239,792.42	262.33	800	970.9	275,302.75	283.55	970.9	275,302.75	283.55	970.9	275,302.75	283.55
Beebe	520	899.5	240,491.00	267.36	520	1,171.0	365,225.85	311.89	1,171.0	365,225.85	311.89	1,171.0	365,225.85	311.89
Beebe	617	600.1	237,195.76	395.26	617	613.4	238,711.91	389.16	613.4	238,711.91	389.16	613.4	238,711.91	389.16
Beebe	986	1,048.0	279,871.00	267.05	986	1,018.8	332,436.52	326.30	1,018.8	332,436.52	326.30	1,018.8	332,436.52	326.30
Beebe	640	1,071.0	278,506.04	260.04	640	799.3	283,076.98	354.16	799.3	283,076.98	354.16	799.3	283,076.98	354.16
Beebe	680	334.1	137,687.88	412.12	680	333.4	166,437.08	499.21	333.4	166,437.08	499.21	333.4	166,437.08	499.21
Beebe	520	891.2	241,952.25	271.49	520	583.1	238,003.80	408.17	583.1	238,003.80	408.17	583.1	238,003.80	408.17
Beebe	520	419.2	141,433.89	337.39	520	488.3	170,881.66	349.95	488.3	170,881.66	349.95	488.3	170,881.66	349.95
Beebe	848	891.3	227,690.72	255.46	848	1,089.8	306,775.09	275.90	1,089.8	306,775.09	275.90	1,089.8	306,775.09	275.90
Beebe	986	791.0	164,237.52	207.63	986	810.6	242,526.34	299.19	810.6	242,526.34	299.19	810.6	242,526.34	299.19
Beebe	800	343.1	156,317.05	455.60	800	334.9	160,743.04	479.97	334.9	160,743.04	479.97	334.9	160,743.04	479.97
Beebe	610	519.8	181,082.58	348.38	610	484.8	166,445.25	384.56	484.8	166,445.25	384.56	484.8	166,445.25	384.56
Beebe	710	888.4	233,301.75	262.61	710	920.3	277,509.29	279.59	920.3	277,509.29	279.59	920.3	277,509.29	279.59
Beebe	1,008	991.3	293,693.76	296.27	1,008	1,026.0	347,489.16	338.60	1,026.0	347,489.16	338.60	1,026.0	347,489.16	338.60
Beebe	560	612.4	177,575.31	289.97	560	707.0	227,900.14	297.13	707.0	227,900.14	297.13	707.0	227,900.14	297.13

1/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

2/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

3/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

4/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

5/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

6/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

7/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

8/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

9/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

10/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

11/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

12/2 year changed from The Adams Oyster Administrative Unit to the Oyster Military Road Administrative Unit, August 1967

Includes Title II (Library, Books) and P.L. 312 for Military Road School

Includes Title I and III Special Projects Money

Includes regular D.C. Appropriations (F.F.O.) Funds and Impact Aid Funds

DR assessment of elementary school building capacities completed Fall, 1964



## ELEMENTARY SCHOOLS

Page 3.

FISCAL YEAR 1965

FISCAL YEAR 1968

	Blkg. Capacity	ADM	Expenditures D.C. Budget	Average Expendi- tures Per Pupil	ADM	Expenditures D.C. Budget	Average Expendi- tures Per Pupil	Blkg. Capacity	ADM	Other Funds <sup>a</sup>	FSEA Special Program Expenditures <sup>b</sup>	Total FSEA Expenditures	Expenditures D.C. Budget	Average Expenditures	Average Expendi- tures Per Pupil
Simball	680	1,123.2	266,438.50	237.21	889.1	293,035.18	337.17	1,056	1,318.8	1,255.48	---	1,255.48	431,333.46	432,588.94	328.02
Kingsman	796	969.6	261,495.74	269.69	989.2	286,988.65	290.12	786	715.1	---	---	---	297,722.73	297,722.73	408.35
Lafayette	700	732.9	212,005.47	289.27	712.5	247,710.90	347.66	690	746.5	273.55	---	273.55	331,574.01	331,847.56	444.54
Langston	748	809.6	231,549.60	286.00	719.2	269,725.93	293.44	738	675.2	193.43	---	193.43	319,843.87	320,037.30	431.99
Langston-Slater	520	619.4	173,701.99	280.44	658.9	230,630.83	350.02	510	515.3	641.54	18,722.58	19,364.12	218,061.11	237,443.23	460.79
LaSalle	1,010	1,075.8	333,910.36	310.38	1,023.4	420,620.29	411.00	990	1,039.5	306.86	450.00	756.86	460,093.89	460,850.75	447.65
Lenox & Annex	538	733.7	206,493.38	281.44	707.9	244,454.62	345.32	528	522.9	679.36	16,436.78	20,138.14	237,453.14	257,591.28	483.38
Lewis	758	812.0	53,443.78	55.82	827.8	213,778.17	238.25	738	712.9	316.59	20,115.80	20,432.39	281,163.52	301,595.91	423.06
Logan & Annex	650	930.0	253,532.75	272.62	857.2	293,029.60	341.85	660	755.5	252.78	42,359.24	42,622.02	310,899.23	353,521.25	467.93
Lovejoy	680	828.2	226,146.55	273.06	806.2	260,404.93	323.00	660	599.2	350.66	18,041.06	18,391.72	263,724.65	282,116.37	470.82
Madison-Taylor	480	556.4	161,586.96	290.42	628.1	199,548.76	317.70	480	541.0	617.96	18,972.53	19,590.49	210,721.30	230,311.79	425.71
Mann-Scodder	650	435.9	176,632.79	405.21	430.2	232,155.75	539.65	600	493.9	820.23	3,335.56	4,159.79	234,689.44	238,849.23	483.60
Maury	508	764.3	191,415.98	250.45	820.2	250,015.91	304.82	498	541.7	839.37	16,397.00	17,236.37	207,334.35	224,570.72	414.57
McGogney <sup>10</sup>	720	605.0	211,750.21	350.00	551.2	215,528.19	391.02	720	1,352.7	1,984.49	16,656.02	18,590.51	395,383.89	413,974.40	506.04
Merritt					1,334.5	491,877.93	368.59	1,056	552.3	886.81	---	886.81	253,810.55	254,697.36	416.12
Meyer <sup>11</sup>					1,076				1,228.3	407.55	407.00	814.55	457,192.02	458,006.5	568.59
Miner	1,016	1,025.1	252,160.43	245.99	1,128.6	329,455.87	291.92	996	943.5	1,115.01	16,397.26	11,404.77	367,400.81	378,895.08	401.58
Monroe	520	918.9	225,800.86	245.73	676.8	225,121.95	332.63	510	612.7	216.93	456.52	673.43	299,435.65	300,109.08	489.81
Montgomery-Morse	790	939.8	269,172.64	286.41	893.9	351,574.10	393.30	780	810.1	1,042.09	18,799.97	19,842.06	347,082.08	366,924.14	452.94
Morgan and Annex	760	940.1	253,036.28	269.16	910.6	273,386.69	300.17	750	730.9	3,372.29	10,250.85	13,623.14	388,317.91	401,941.05	549.93
Morin	968	1,014.7	277,729.84	273.71	1,091.4	343,181.91	314.44	948	1,434.9	2,702.46	5,265.31	11,967.77	479,929.09	491,896.86	542.81
Mott	790	825.7	326,830.01	395.82	705.0	340,724.95	433.30	780	737.1	318.92	8,465.25	8,784.17	322,994.66	331,778.83	450.11
Murch	710	700.8	228,546.86	326.12	676.5	268,023.43	396.19	600	653.1	264.37	---	264.37	305,858.60	306,122.97	468.72
Nalle	800	847.1	213,926.81	252.54	800	224,940.30	349.56	780	895.2	396.64	---	396.64	315,759.54	316,156.18	353.17
Nichols Avenue	480	592.6	163,662.97	276.18	651.0	216,428.91	332.46	480	731.2	455.56	10,155.30	10,410.86	241,122.68	241,533.54	344.00
No. 5	728	784.5	218,181.71	278.12	819.6	280,446.57	342.17	708	659.1	800.28	113.40	913.68	258,733.73	259,646.41	393.94
Orr-Randle Highlands	540	606.8	180,204.71	296.98	654.8	212,173.73	324.03	540	827.0	698.39	4,646.06	5,344.45	275,186.28	280,530.73	339.21
Oyster-Military Road <sup>12</sup>															
Park View <sup>13</sup>	980	1,084.7	311,097.46	286.81	1,055.6	364,056.61	344.88	270	318.4	8,188.26	---	8,188.26	114,735.88	122,924.14	366.68
Patterson	1,090	1,054.7	281,336.91	266.75	1,020.4	325,028.45	318.53	1,038	975.3	1,664.36	4,780.45	6,444.81	430,851.47	427,296.28	438.12
Payne	688	830.9	272,771.12	328.28	871.9	323,508.51	371.04	678	1,292.0	371.89	132.30	504.19	478,197.29	478,701.48	370.51
Petworth	520	697.9	220,234.31	315.57	754.2	294,994.69	391.14	570	833.8	310.58	---	310.58	331,907.37	332,217.95	398.44
Plummer	1,076	1,290.5	303,467.18	235.15	1,209.7	367,590.80	303.87	1,056	719.8	---	---	---	259,030.93	259,030.93	359.87
Powell & Annex	866	974.7	241,176.85	274.44	948.8	294,513.51	310.41	846	1,146.9	423.92	---	423.92	387,902.84	388,326.76	338.59
Raymond <sup>14</sup>	580	745.2	216,693.77	290.79	759.8	252,443.46	332.25	1,056	900.2	925.10	---	925.10	360,552.22	361,477.32	401.49
Richardson	980	952.0	292,071.93	306.80	853.2	392,940.62	460.55	960	1,000.0	1,031.01	17.50	1,048.51	384,563.11	385,711.62	385.71
River Terrace	638	608.9	198,907.32	326.67	592.7	240,775.95	406.24	618	1,042.9	168.84	13,340.57	14,009.41	423,408.41	437,417.82	419.42
Rudolph <sup>15</sup>	848	866.9	229,313.67	264.52	905.4	287,277.93	317.29	810	537.3	449.59	63.14	512.73	228,210.00	228,722.73	425.69
Seaton-Perry	820	797.9	267,017.44	334.65	749.9	316,260.25	421.74	1,068	1,081.0	1,106.65	---	1,106.65	384,618.40	385,719.05	356.82
Shadd and Annex	860	924.0	282,268.42	305.49	829.7	345,594.61	416.53	810	676.0	1,173.64	44,216.87	44,990.51	350,119.41	396,109.92	585.76
Shepherd	460	487.6	144,716.79	296.79	514.7	168,348.07	327.08	450	875.8	702.80	4,756.73	5,459.53	365,343.95	370,803.48	423.29
									541.1	236.74	---	236.74	226,718.35	226,955.09	419.43

<sup>10</sup>McGogney opened Fall 1966.<sup>11</sup>Meyer opened September 1966.<sup>12</sup>Oyster charred to Oyster-Military Road Administrative Unit August, 1967.<sup>13</sup>Payne, Patterson and annex completed and opened 1965.<sup>14</sup>Payne, and addition opened Spring 1966.<sup>15</sup>Raymond addition opened Fall 1965.<sup>a</sup>Includes Title II Library Books and P.L. 313 for Military Road School.<sup>b</sup>Includes Title I and II Special Projects money.<sup>c</sup>Includes regular D.C. Appropriations U.P.O. Funds and Impact Aid Funds.<sup>d</sup>Re-assessment of elementary school building capacities completed Fall, 1964.





Chart B (Continued)

## ELEMENTARY SCHOOLS

Page 4.

	FISCAL YEAR 1963				FISCAL YEAR 1965				FISCAL YEAR 1966				Average Expenditures per Pupil
	Bldg Capacity	ADM	Expenditures D. C. Budget	Average Expenditures per Pupil	Bldg Capacity	ADM	Expenditures D. C. Budget	Average Expenditures per Pupil	Bldg Capacity	ADM	Expenditures D. C. Budget	Average Expenditures per Pupil	
Simmons	800	802.0	255,121.92	318.11	800	837.3	271,536.74	324.30	780	659.5	272,300.75	325.86	318.11
Simon	980	1,031.9	259,650.77	251.62	980	1,204.0	323,396.32	268.60	960	1,196.8	402,167.51	337.71	251.62
Smothers-Carver	860	859.5	302,807.69	352.31	890	888.9	346,986.50	390.35	480	956.0	405,863.55	424.54	352.31
Stanton & Annex	1,140	1,013.8	317,307.05	312.99	1,140	1,018.9	310,548.98	304.79	1,110	1,395.7	516,373.02	369.97	312.99
Sumner Stevens-Grant	1,160	731.9	254,415.85	347.61	1,160	643.2	314,577.46	489.08	1,140	694.7	357,115.01	511.18	347.61
Syphax	830	725.4	239,884.44	330.69	830	818.6	257,820.14	314.93	810	765.2	277,480.72	324.99	330.69
Takoma Military Rd. <sup>16</sup>	520	501.3	199,517.24	398.00	520	601.0	240,430.75	400.05	510	597.2	239,331.35	401.77	398.00
Thomas	800	822.9	227,700.90	276.71	800	839.8	268,348.88	318.54	1,176	985.8	381,436.78	409.79	276.71
Thomson	580	570.4	191,159.37	335.13	580	598.3	233,767.04	390.72	570	527.6	219,655.51	421.43	335.13
Truesdell <sup>17</sup>	590	703.0	264,318.23	375.99	590	718.6	316,246.51	440.09	1,086	1,077.2	466,130.79	460.57	375.99
Turner	740	833.3	218,891.84	262.68	740	1,015.4	334,631.87	329.36	720	943.6	360,520.05	382.07	262.68
Tyler	722	864.8	223,293.47	258.20	692	798.1	259,918.83	325.67	1,182	955.0	394,919.69	413.53	258.20
Van Ness	860	962.1	237,376.03	246.73	860	1,011.1	293,639.95	290.42	840	884.0	321,341.48	381.68	246.73
Walker-Jones	830	901.8	247,617.65	274.58	830	876.4	293,203.30	334.55	810	657.4	303,618.65	461.85	274.58
Watkins	938	1,035.0	231,836.04	224.00	938	1,095.3	316,319.55	288.80	918	1,172.0	412,646.45	352.08	224.00
Webb <sup>18</sup>	836	945.6	244,797.49	258.88	836	934.0	329,559.44	352.85	1,056	988.8	401,763.52	407.09	258.88
West	520	585.2	180,068.28	307.70	520	610.5	264,801.89	335.47	510	591.2	263,051.10	444.94	307.70
Wheatley	640	714.0	192,065.58	269.00	640	765.0	262,432.51	343.05	1,146	894.9	352,526.32	402.81	269.00
Whittier	968	1,078.5	275,833.81	255.76	998	1,201.6	343,858.72	286.17	978	1,212.0	437,669.46	361.82	255.76
Wilson, J.O.	926	970.3	255,967.86	263.80	926	1,001.5	324,120.37	323.63	906	865.3	399,031.54	461.14	263.80
Woodridge <sup>19</sup>	460	570.8	184,536.46	323.29	580	594.8	222,134.18	373.46	570	607.0	245,545.95	404.99	323.29
Young	970	1,428.1	397,495.39	278.34	970	1,413.3	463,399.53	327.88	960	1,523.9	499,174.10	327.56	278.34
Total Elementary	79,715	85,530.6	24,435,824.86	285.70	84,038	89,946.7	30,135,713.72	335.04	89,006	94,440.5	38,231,011.59	404.82	285.70

<sup>16</sup>Military Road S. '603' transferred to the Oyster-Military Road Administrative Unit, August, 1967.<sup>17</sup>Truesdell addition opened Spring, 1967.<sup>18</sup>Webb addition opened September, 1966.<sup>19</sup>Woodridge addition opened September, 1963.

<sup>a</sup>Includes Title II (Library Books and P.L. 313 for Military Road School.  
<sup>b</sup>Includes Title I and III Special Projects money.  
<sup>c</sup>Includes regular D. C. Appropriations U.P.O. Funds and Impact Aid Funds.  
<sup>d</sup>Re-assessment of elementary school building capacities completed Fall, 1964.



## AVERAGE PER PUPIL EXPENDITURES BY ADMINISTRATIVE UNITS

## FISCAL YEAR 1968

	ADM	General Fund Expendi- tures	ESEA Expendi- tures	Total Expendi- tures	Average Per Pupil Expendi- ture
<u>Ward I</u>					
Eckington	272.8	112,712.50	2,527.91	115,290.41	422.62
Gage	432.6	159,157.05	3,358.66	152,515.71	375.67
GAGE-ECKINGTON	705.4	271,869.55	5,936.57	277,806.12	393.83
<u>Ward II</u>					
Langston	279.5	111,709.24	10,371.72	122,080.96	436.78
Slater	235.8	106,351.87	9,010.40	115,362.27	489.24
LANGSTON-SLATER	515.3	218,061.11	19,382.12	237,443.23	460.79
Montgomery	590.6	239,282.69	13,944.72	253,227.41	428.76
Morse	219.5	107,799.39	5,897.34	113,696.73	508.87
MONTGOMERY-MORSE	810.1	347,082.08	19,842.06	366,924.14	452.94
Perry	360.4	212,082.00	24,485.27	236,567.27	656.40
Seaton	315.6	138,037.41	21,505.24	159,542.65	505.52
SEATON-PERRY	676.0	350,119.41	45,990.51	396,109.92	585.96
Grant	128.5	77,439.63	503.41	77,943.04	606.56
Stevens	337.3	166,853.21	1,645.92	168,499.13	499.55
Summer	228.9	107,664.76	1,008.08	108,672.84	474.76
SUMNER-GRANT-STEVENSON	694.7	351,957.60	3,157.41	355,115.01	511.18
<u>Ward III</u>					
Eaton	440.0	229,788.90	2,480.99	232,269.89	527.89
Hearst	284.1	111,930.12	1,340.09	113,270.21	398.70
EATON-HEARST	724.1	341,719.02	3,821.08	345,540.10	477.20
Hardy	236.0	122,981.47	151.08	123,132.55	531.75
Key	243.3	102,758.04	297.99	103,056.03	423.58
HARDY-KEY	479.3	225,739.51	449.07	226,188.58	471.91
Hyde	131.3	54,722.93	199.13	54,922.06	418.29
Fillmore	193.3	98,479.39	203.42	98,682.81	510.52
Jackson	118.1	45,599.40	117.02	45,716.42	387.10
HYDE-FILLMORE-JACKSON	442.7	198,801.72	519.57	199,321.29	450.24
Mann	226.3	119,100.19	2,387.05	121,487.24	456.20
Stoddert	227.6	115,589.25	1,772.74	117,361.99	515.65
MANN-STODDERT	493.9	234,689.44	4,159.79	238,849.23	485.60
Military Road	44.9	55,424.70	21,044.23	76,468.93	1,703.09
Oyster	273.5	114,735.88	142.06	114,877.94	420.77
OYSTER-MILITARY ROAD	318.4	170,160.58	21,186.29	191,346.87	600.96



	<u>ADM</u>	<u>General Fund Expendi- tures</u>	<u>ESEA Expendi- tures</u>	<u>Total Expendi- tures</u>	<u>Average Per Pupil Expendi- ture</u>
Brookland	369.3	155,779.89	420.54	156,200.43	422.96
Slowe	829.6	284,747.73	1,372.65	286,120.38	344.84
BROOKLAND-SLOWE	1,198.9	440,527.62	1,793.19	442,320.81	368.94

Ward VI

Blair	218.7	103,716.20	5,697.31	109,683.51	501.52
Brent	221.5	98,895.25	6,033.40	104,928.65	474.15
BLAIR-BRENT	440.2	202,611.45	12,000.71	214,612.16	487.53
Blow	205.8	93,209.24	14,090.71	107,299.95	521.38
Pierce	253.8	113,461.55	17,584.40	131,045.95	516.34
BLOW-PIERCE	459.6	206,670.79	31,675.11	238,345.90	518.59
Edmonds	248.4	135,388.52	251.46	135,639.98	546.05
Peabody	274.2	185,597.29	7,274.20	192,871.49	703.40
EDMONDS-PEABODY	522.6	320,985.81	7,525.66	328,511.47	628.61
Hayes	220.2	107,494.81	8,084.44	115,597.25	524.88
Ludlow	203.3	83,718.15	7,225.09	90,943.24	447.34
HAYES-LUDLOW	423.5	191,212.96	15,309.53	206,522.49	487.66
Madison	274.1	110,293.64	9,981.27	120,279.91	438.82
Taylor	266.9	100,427.73	9,609.22	110,036.95	412.28
MADISON-TAYLOR	541.0	210,721.37	19,590.49	230,311.86	425.72

Ward VII

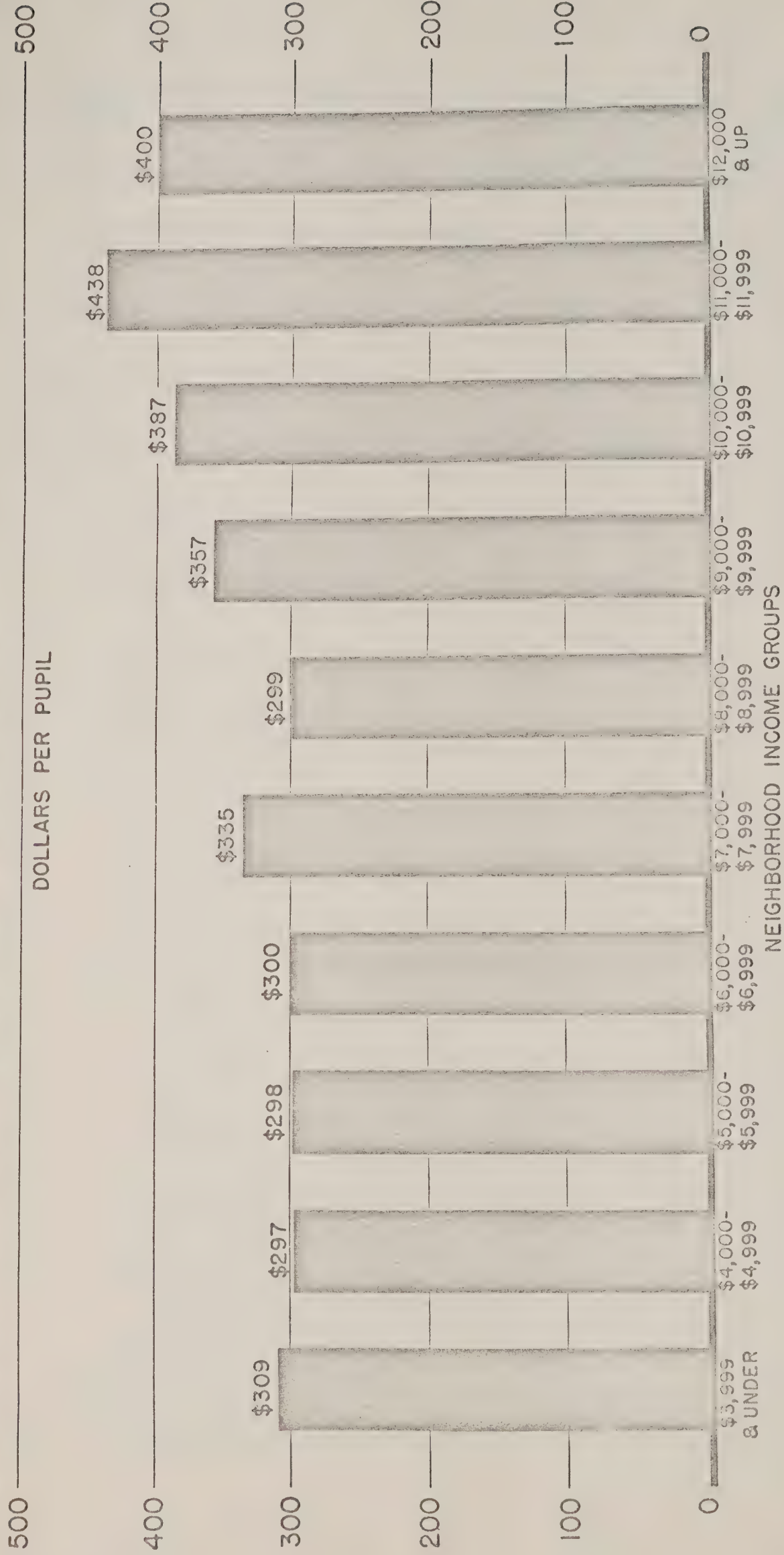
Carver	322.9	139,650.58	1,298.43	140,949.01	436.51
Smothers	633.1	261,427.37	3,487.17	264,914.54	418.41
SMOTHERS-CARVER	956.0	401,077.95	4,785.60	405,863.55	424.54
Orr	371.4	121,699.78	2,680.41	124,380.19	334.90
Randle Highlands	445.6	153,486.50	2,664.04	156,150.54	350.43
ORR-RANDLE HIGHLANDS	827.0	275,186.28	5,344.45	280,530.73	339.21





D.C. PUBLIC SCHOOLS

AVERAGE EXPENDITURE PER PUPIL IN THE ELEMENTARY SCHOOLS  
BY NEIGHBORHOOD INCOME GROUPS, 1965

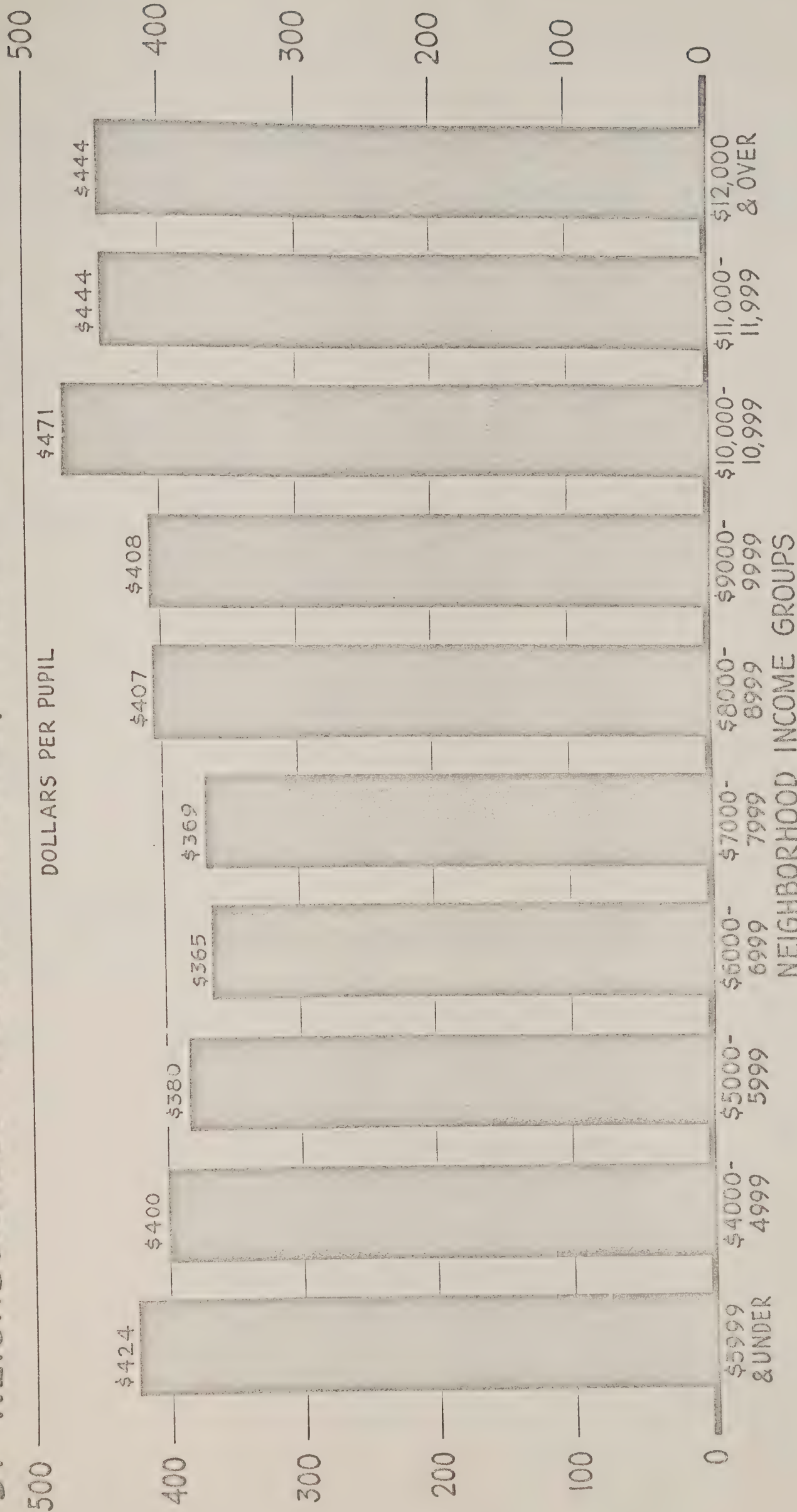




D.C. PUBLIC SCHOOLS

CHART 2

AVERAGE EXPENDITURE PER PUPIL IN THE ELEMENTARY SCHOOLS  
BY NEIGHBORHOOD INCOME GROUPS, FISCAL YEAR 1968\*



\* Regular budget funds, UPO Funds, and Impact Aid Funds.

SOURCE: D.C. PUBLIC SCHOOLS



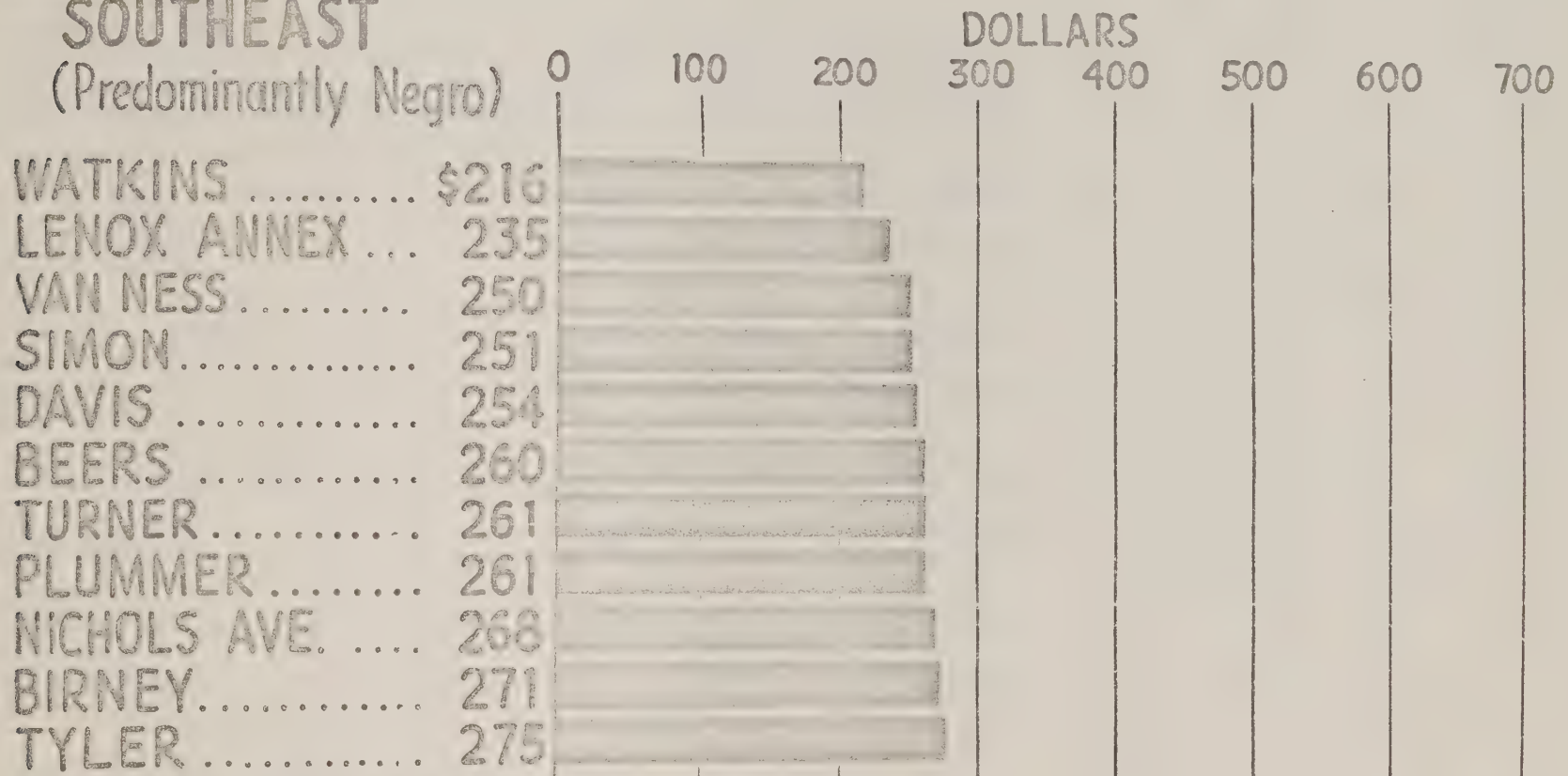


# PER CAPITA EXPENDITURES PER PUPIL IN SELECTED D.C. ELEMENTARY SCHOOLS 1963-64

## SCHOOLS

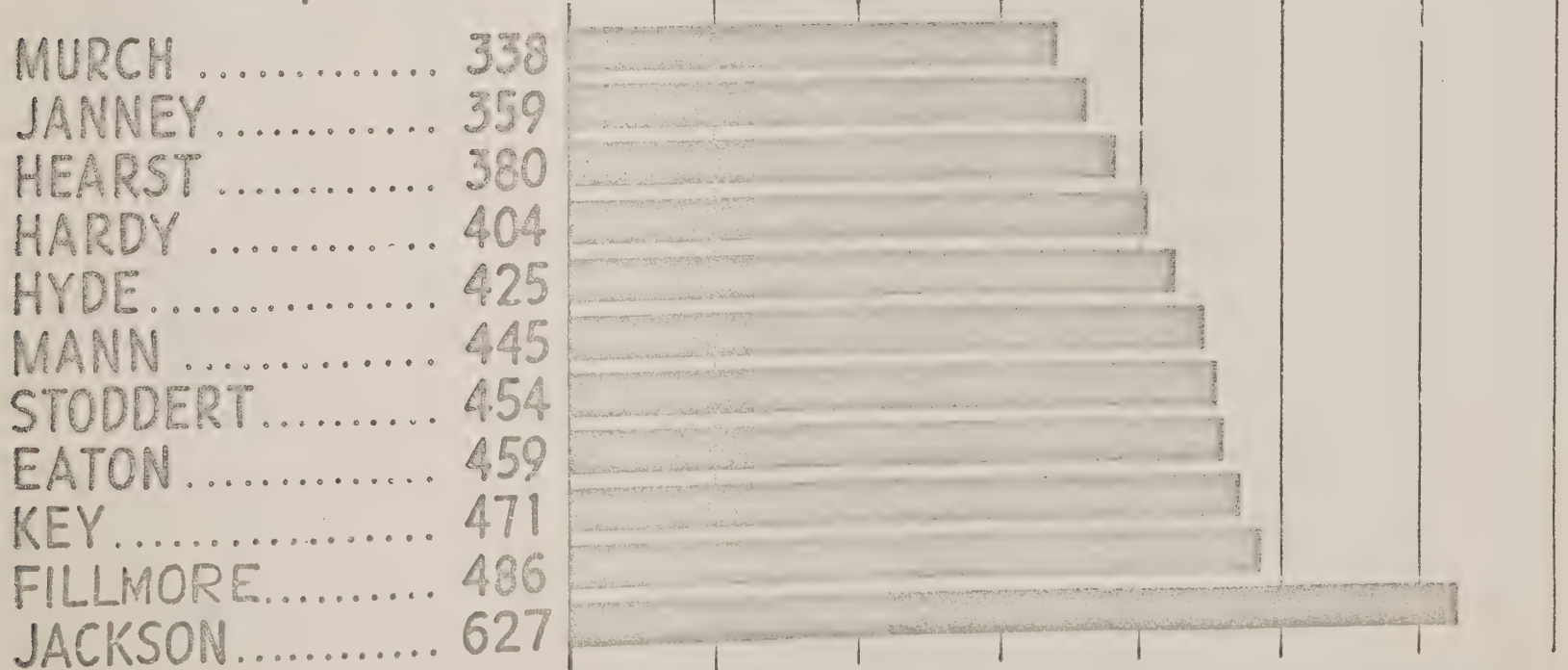
### SOUTHEAST

(Predominantly Negro)



### WEST OF ROCK CREEK PARK

(Predominantly White)



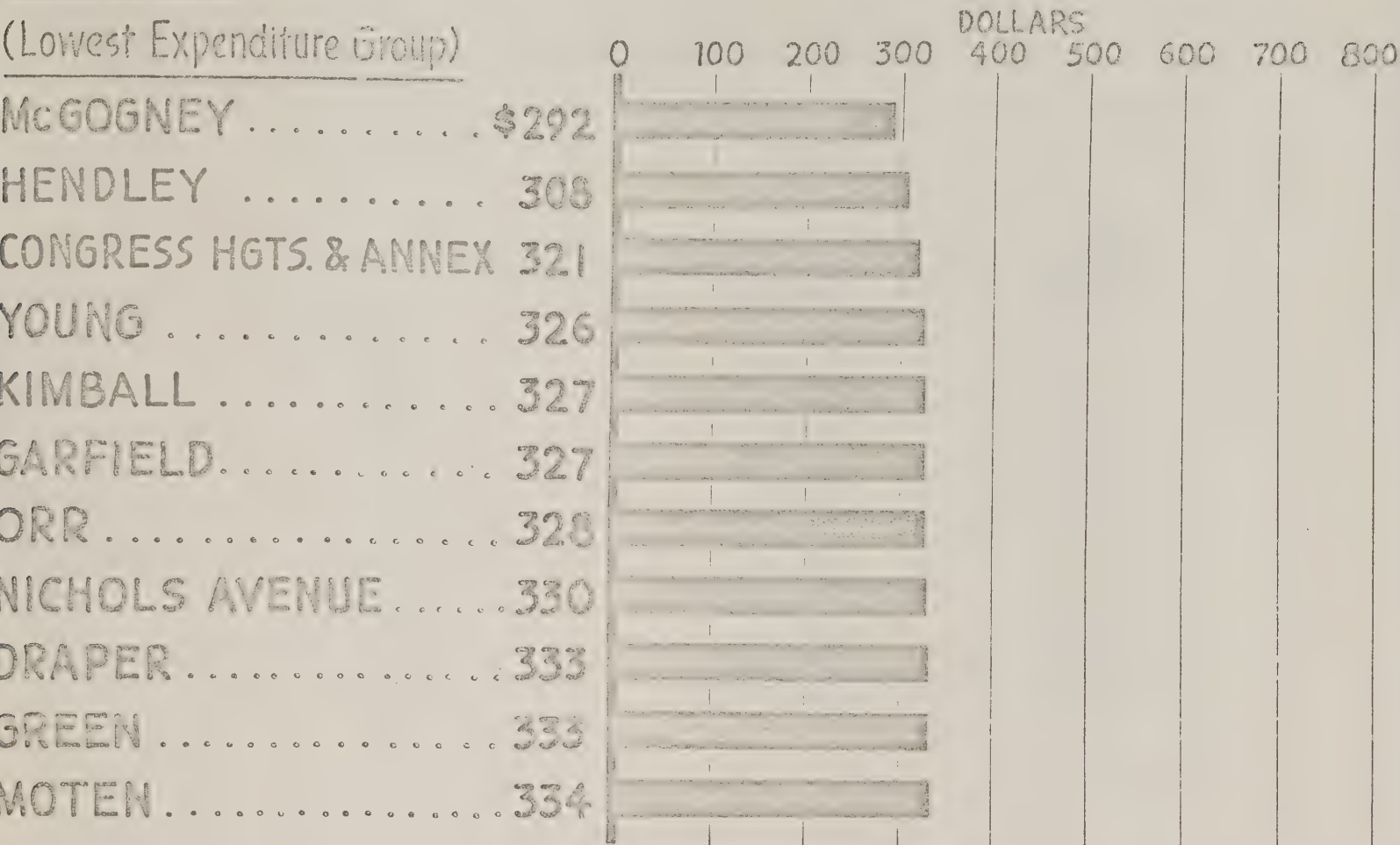


# EXPENDITURES PER PUPIL IN SELECTED D.C. ELEMENTARY SCHOOLS\*

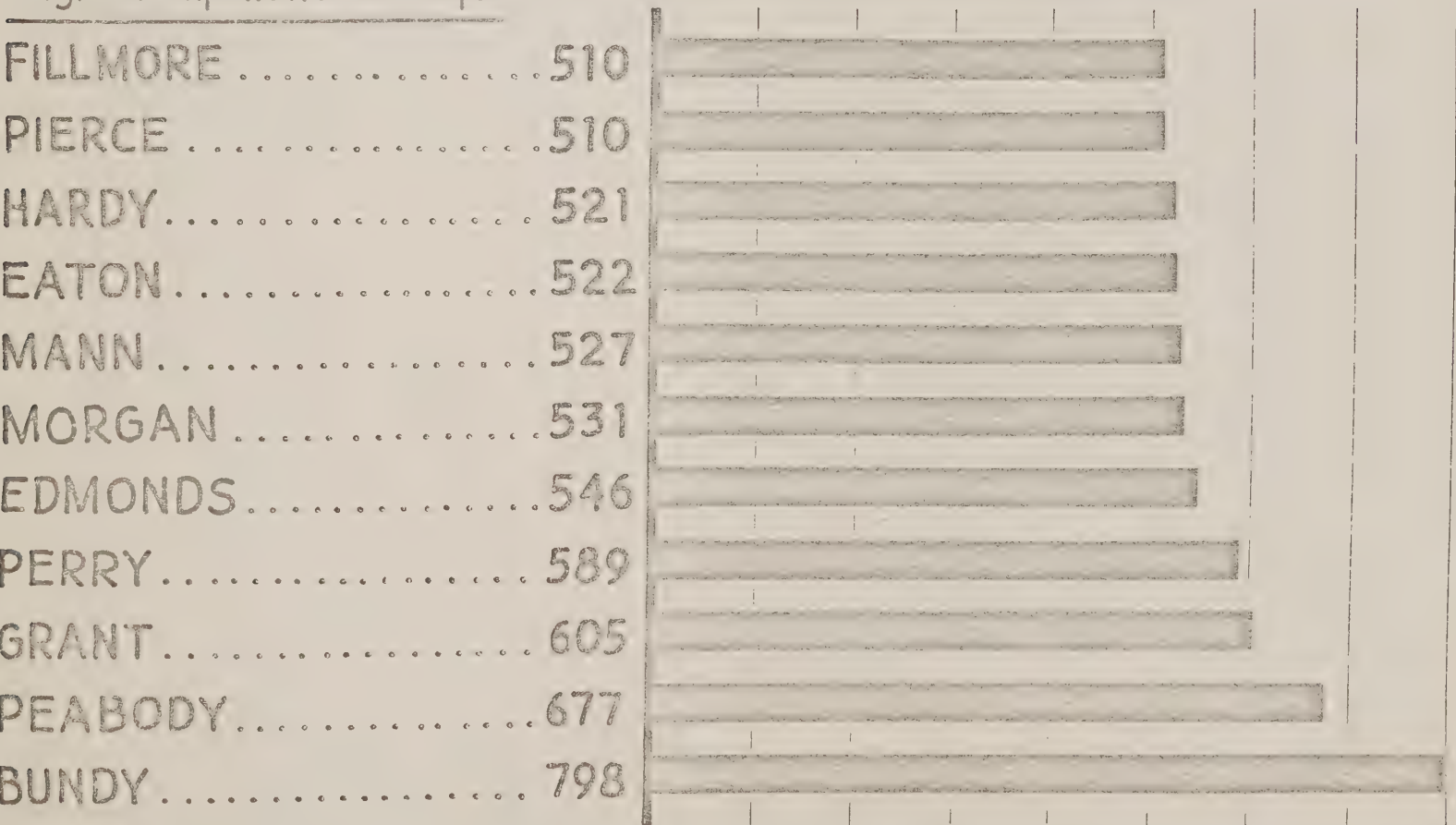
Based on 1968 Regular Budget Funds\*\*

## SCHOOLS

(Lowest Expenditure Group)



(Highest Expenditure Group)



\* In 1963-64 the spread between the highest and lowest schools was \$411.  
The above data from 1968 show that the spread has increased to \$506.

\*\*Also includes impact aid funds and UPO funds.





Table 1

Fiscal Year 1968

PER PUPIL EXPENDITURES \*

West of Rock Creek Park

<u>School</u>	<u>Avg. Daily Membership</u>	<u>Total Exp.</u>	<u>Avg./Pupil</u>
Eaton	440	229,789	522.25
Fillmore	193	98,479	510.25
Hardy	236	122,981	521.11
Hearst	284	111,930	394.12
Hyde	131	54,723	417.73
Jackson	118	45,599	386.43
Janney	542	234,314	432.31
Key	243	102,758	422.87
Lafayette	746	331,574	444.47
Mann	226	119,100	526.99
Murch	653	305,859	468.39
Oyster	273	114,736	420.28
Stoddert	228	115,589	506.97
	<u>4,313</u>	<u>1,987,431</u>	<u>460.80</u>
Total			

---

\* Includes regular budget funds,  
impact aid funds and UPO funds.





Fiscal 1968

## PER PUPIL EXPENDITURES \*

East of Anacostia River

<u>School</u>	<u>Avg. Daily Membership</u>	<u>Total Exp.</u>	<u>Avg./Pupil</u>
Aiton	1,064	366,123	344.10
Beers	921	335,036	363.77
Benning	508	182,558	359.37
Birney	1,092	406,542	372.29
Burrville	561	249,885	445.43
Carver	323	139,651	432.36
Congress Heights	901	289,583	321.40
Davis	1,543	575,097	372.71
Draper	1,394	463,772	332.69
Drew	981	339,705	366.67
Garfield	1,068	348,982	326.76
Green	1,360	452,218	332.51
Harris	1,162	404,046	347.72
Hendley	1,527	469,896	307.72
Houston	912	335,297	367.65
Kenilworth	963	389,485	404.45
Ketcham	917	348,211	379.73
Kimball	1,319	431,333	327.02
McGogney	1,353	395,384	292.23
Merritt	552	253,811	459.80
Moten	1,435	479,929	334.45
Nalle	895	315,759	352.80
Nichols Avenue	731	241,123	329.85
Orr	371	121,700	328.03
Patterson	1,292	478,197	370.12
Plummer	1,147	387,903	338.19
Randle Highlands	446	153,486	344.14
Richardson	1,043	423,408	405.95
River Terrace	537	228,210	424.97
Shadd	876	365,344	417.06
Simon	1,197	402,524	336.28
Smothers	633	261,427	413.00
Stanton	1,396	515,014	368.92
Thomas	986	381,437	386.85
Turner	944	347,323	367.93
Total	34,350	12,299,399	358.06

\* Includes regular budget funds,  
impact aid funds and UPO funds.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON et al.,  
Plaintiffs

v.

CARL F. HANSEN et al.,  
Defendants

Civil Action No. 82-66

O R D E R

FILED

24 SEP 1970

ROBERT M. STEARNS  
CLERK

In consideration of defendants' motion to amend certain orders of this court and the reply of plaintiffs to that motion,

It is ORDERED that the motion of defendants be granted as follows:

1. That the date for compliance with the portion of the court's order of August 31, 1970 directing defendants to file in the record projected per-pupil expenditure out of regular funds for teacher services rendered at each public elementary school in the District of Columbia for the school year 1970-71, as well as the per-pupil expenditure out of regular funds for teacher services rendered at each public elementary school in the District of Columbia during the school year 1969-1970, be extended to November 2, 1970.
2. That the date for compliance with this court's show cause order of September 1, 1970, directing defendants to file memoranda indicating why busing of pupils from low-income areas, overwhelmingly black, overcrowded schools in the District to high-income areas, whiter and underpopulated schools would not eliminate unnecessary differences in per-pupil expenditures relating to over- and undercrowding, which defendants concede to be one of the causes of the lingering and spectacular inequality in overall per-pupil expenditures, be extended to November 16, 1970.

It is FURTHER ORDERED that the order of this court dated August 31, 1970 be amended so as to permit plaintiffs until November 30, 1970 to file a memorandum responding to defendants' exhibits filed in the record on August 10, 1970, August 21, 1970, August 31, 1970, and September 21, 1970, and on November 2, 1970 and November 16, 1970 pursuant to this order.

It is FURTHER ORDERED that defendants be permitted until December 10, 1970 to answer plaintiffs' memorandum.

Washington, D. C.  
September 24, 1970

J. SKELLY WRIGHT\*  
UNITED STATES CIRCUIT JUDGE

\*Sitting by designation pursuant to 28 U.S.C. § 291(c).





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

21 SEP 1970

ROBERT M. STEATH  
CLERK

JULIUS W. ROBINSON et al.,

Plaintiffs

v.

Civil Action No. 82-86

CARL F. HANSEN et al.,

Defendants

ORDER

It is ORDERED that the order of this court issued September 1, 1970, be, and it is hereby, amended as follows: The second full sentence on page 2 should read: Yet in the 1970 fiscal year, the elementary schools west of the Park had an average per-pupil expenditure of \$753.61 out of regular funds while the city-wide average was \$585.82--a difference of approximately 29 per cent.<sup>1</sup>

J. STALLY WRIGHT  
UNITED STATES CIRCUIT JUDGE

Washington, D. C.

September 21, 1970

<sup>2</sup>Sitting by designation pursuant to 28 U.S.C. § 291(c).

<sup>1</sup>The \$753.61 figure is arrived at by totaling the school board's reported expenditures out of 1970 regular funds for the 13 schools west of the Park and then dividing by 13. The \$585.82 figure is taken from the school board's statement of the city-wide mean per-pupil expenditure submitted to this court on August 21, 1970.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al., :  
: Plaintiffs :  
: v. : Civil Action No. 82-'66  
: CARL F. HANSEN, et al., :  
: Defendants. :

OPPOSITION OF CASSELL, SWAIM AND TIRANA  
TO MOTION OF DEFENDANTS TO STRIKE

Movants Charles I. Cassell, Martha S. Swaim and Bardyl R. Tirana oppose the motion of defendants to strike their motion for the following reasons:

1. In his memorandum of points and authorities in support of the motion of defendants to strike, the Corporation Counsel asserts only two arguments: (a) that under Section 1-301, D.C. Code, he alone has authority to furnish legal representation to the Board of Education; and (b) that under Smuck v. Hobson, \_\_\_\_\_ U.S. App. D.C. \_\_\_\_\_, 408 F.2d 175, 177 and 178 (1969), individual members of the Board of Education have no standing to appear before this Court.

2. Movants do not contest the right and duty of the Corporation Counsel to represent the Board of Education, at this time. Movants contend, however, that the Corporation Counsel's appearance on behalf of the Board of Education in this action does not give him the right to prejudice the rights of the Board of Education without consulting with it. The Corporation Counsel's authority is to act as legal representative; he cannot represent if he does not know the position of the Board of Education on the merits of the action.



3. By his silence, the Corporation Counsel has admitted the truth of the allegations of Movants Motion to strike the pleadings filed by the Corporation Counsel on behalf of the Board of Education on July 6, 1970. In essence, Movants established that the uncontroverted facts are that (a) the Corporation Counsel had not communicated with the Board of Education at all about plaintiffs' amended motion filed May 19, 1970 or about the pleadings filed by the Corporation Counsel on July 6, 1970; (b) the Board of Education had not communicated with the Corporation Counsel at all about plaintiffs' amended motion filed May 19, 1970 or about the position which the Board of Education wished to take in response to the amended motion; and (c) the Board of Education had not at any time since Movants Cassell and Tirana took office in January, 1970 discussed in good faith compliance with the order filed herein, Hobson v. Hansen, D. D.C., 269 F. Supp. 401, 496 (1967).

4. The Corporation Counsel has not fully complied with Canon No. 8 of the Canons of Professional Ethics of the American Bar Association, which provides as follows, in pertinent part:

"A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probably result of pending or contemplated litigation. . . . " (Adopted August 27, 1908)

The Corporation Counsel did not obtain full knowledge of the facts, as is evidenced by the Court's Order entered herein on July 16, 1970. Furthermore, the Corporation Counsel did not even discuss the litigation with the Board of Education, much less give it a candid opinion of the merits thereof.





5. Of course, the Corporation Counsel must control the incidental matters affecting the litigation. But he cannot take action on behalf of the Board of Education without consulting it, as he did on July 6, 1970, if the action results in "affecting the merits of the cause, or working substantial prejudice to the rights of the client . . . " (Canon No. 24 of the Canons of Professional Ethics of the American Bar Association, adopted August 27, 1908.) The litigation herein, and plaintiffs' amended motion, are not routine matters on which the position on the merits by the Board of Education is clearly understood.

6. We agree that generally individual members of the Board of Education have no independent standing. The standard is set forth in Smuck v. Hobson, \_\_\_\_ U.S. App. D.C. \_\_\_\_, 408 F.2d 175, at 177 and 178 (1969), as follows:

"We also find that Mr. Smuck has no appealable interest as a member of the Board of Education. While he was in that capacity a named defendant, the Board of Education was undeniably the principal figure and could have been sued alone as a collective entity. Appellant Smuck had a fair opportunity to participate in its defense and in the decision not to appeal. Having done so, he has no separate interest as an individual in the litigation." (Emphasis supplied.)

In this case, however, Movants Cassell, Swaim and Tirana have had no opportunity, much less the "fair opportunity" required by the United States Court of Appeals, to participate in the unauthorized pleadings of the Corporation Counsel filed on July 6, 1970.

7. The minutes of the Meeting of the Board of Education of August 22, 1969 (a copy of which is annexed hereto as Exhibit A), reflect adoption of the following motion: (p. 2)



"(T)hat the Board of Education request the Corporation Counsel to represent it in Civil Action No. 82-66 and that the Counsel be requested to consider filing to vacate the decree in the case of Hobson versus Hansen on the basis of substantial compliance by the Board re the decree".

The Board did not direct or authorize the filing of a motion to vacate the decree.

8. Nearly one year has passed since the Board's meeting without any Board decision having been made in respect to the action herein. As noted by the Affidavit of Movant Tirana herein, Movants requested a special meeting of the Board on June 24, 1970 for consideration of the reply to be filed to plaintiffs' amended motion. The President of the Board failed and refused to call the Special Meeting. In the interim, however, the President of the Board of Education has called, and the Board has held two special meetings, one on July 1, 1970 (see Exhibit B annexed hereto), and the other on July 13, 1970 (see Exhibit C annexed hereto). The special meeting requested by Movants on June 24, 1970 still has not been called.

9. Accordingly, movants have had no "opportunity to participate", and their individual appearance herein is authorized under Smuck v. Hobson, supra.

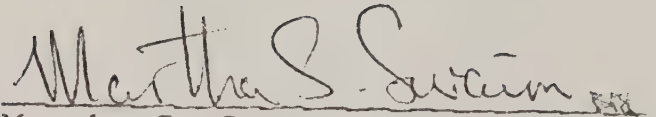
WHEREFORE, Movants Cassell, Swaim and Tirana pray that their motion to strike be granted, and the motion of the Corporation Counsel to strike be denied, and for such other and further relief as may be just.



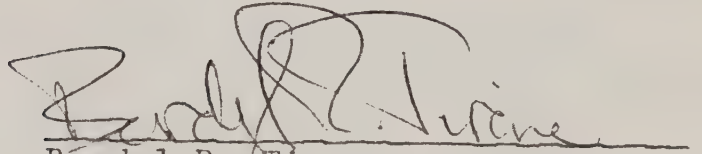
Charles I. Cassell  
Apartment 407  
1845 Summit Place, N. W.  
Washington, D. C. 20009  
Pro Se








Martha S. Swaim  
649 Maryland Avenue, N. E.  
Washington, D. C. 20002  
Pro Se



Bardyl R. Tirana  
3509 Lowell Street, N. W.  
Washington, D. C. 20016  
Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposition of Cassell, Swaim and Tirana was mailed, postage prepaid, to Peter F. Rousselot, Esq., Attorney for Plaintiff Hobson and Movants-Intervenors Humphreys, 815 Connecticut Avenue, N. W., Washington, D. C. 20006; Donald R. Allen, Esq., Attorney for Intervenors Bennetts, 1200 Tower Building, Washington, D. C. 20005; Joseph M. Hannon, Esq., Assistant United States Attorney, United States Courthouse, Washington, D. C. 20001; and Hubert B. Pair, Acting Corporation Counsel, D.C., Attorney for Defendants, District Building, Washington, D. C. 20004, this 21st day of July, 1970.

  
Bardyl R. Tirana



MINUTES OF THE THIRTIETH (SPECIAL) MEETING OF THE BOARD OF EDUCATION

PRESIDENTIAL BUILDING

WASHINGTON, D. C.

AUGUST 22, 1969

PRESENT: President James E. Coates, Vice President Anita Ford Allen, Mr. Edward L. Hancock, Mr. Julius W. Hobson, Mr. Nelson C. Roots, Mr. Albert A. Rosenfield, and Mrs. Martha S. Swaim--Seven Board Members.

Executive Secretary Gertrude L. Williamson.

Acting Superintendent Benjamin J. Henley, and Charles S. Lofton, Executive Assistant to the Superintendent.

ABSENT: Mrs. Muriel M. Alexander, Mr. John A. Sessions, Mrs. Mattie G. Taylor, and Mr. John H. Treanor, Jr.--Four Board Members.

Vice President Allen called the meeting to order at 12:20 p.m., since President Coates had not arrived.

The Executive Secretary announced a quorum present and stated that Mrs. Alexander, Reverend Coates and Mrs. Taylor were expected momentarily, and Mr. Sessions was on vacation and Mr. Treanor was out of town.

---

Vice President Allen stated that the special meeting had been called for the purpose of taking action with respect to Civil Action No. 8266 against the Members of the Board of Education, and matters relating thereto.



BOARD REQUESTS CORPORATION COUNSEL TO REPRESENT BOARD OF EDUCATION  
IN CIVIL ACTION NO. 8266 AND TO CONSIDER FILING TO VACATE  
THE DECREE ON BASIS OF SUBSTANTIAL COMPLIANCE  
BY BOARD WITH THE DECREE

Acting President Allen pointed out that there was an action against the Board in the case of Hobson versus Hansen.

A motion that the Board of Education request the Corporation Counsel to represent it in Civil Action No. 8266 and that the Counsel be requested to consider filing to vacate the decree in the case of Hobson versus Hansen on the basis of substantial compliance by the Board re the decree, was made by Mrs. Swaim and seconded by Mr. Rosenfield.

Mr. Hobson said that he thought the Counsel had already filed a motion to vacate the decree and a motion for additional time. Mr. Hobson stated he would like to disqualify himself from voting because he originated the motion. He said that he had received from the Court a copy of the motion filed by the Corporation Counsel for additional time. Therefore, the Corporation Counsel is already representing the Board. Mr. Hobson requested that the record show that the Board of Education met August 22 to vote to have the Corporation Counsel represent it. However, the Corporation Counsel had already filed papers in the Court in the name of the Board of Education.

Mr. Hobson further disqualified himself from the proceedings with an additional statement, that the Board of Education, individually and collectively, the Superintendent or Acting Superintendent, whoever he may be, are technical defendants in this case.

At this point, Mr. Hobson explained the phrase, "technical defendants." He said, "it means that no individual is guilty of anything nor are we trying to prove that."

"No matter who sat on this Board, if you have a brand new Board tomorrow, they would become technical defendants."

Mrs. Allen asked Mr. Hobson to sit through the vote in order to maintain a quorum, even though he had disqualified himself and would not be voting.

Mrs. Allen then explained that the Corporation Counsel had called her, as Acting President of the Board, a couple of weeks ago. They reminded her that there was only a day or two to indicate the intention of the Board. Due to the fact that the Board had not had an opportunity to act on the matter, Mrs. Allen, acting as Chairman of the Board, had asked the Corporation Counsel to request additional time in order for the Board to hold a special meeting.





The pending question was put and carried, with Mr. Hobson abstaining.

BOARD DIRECTS POSTPONEMENT OF COMMUNITY MEETING  
SCHEDULED FOR SEPTEMBER 3

Mrs. Allen said that the Board had voted not to hold regular meetings during the months of July and August. Because the September 3 community meeting comes just after Labor Day, Mrs. Allen asked the wish of the Board with respect to that meeting.

Mr. Roots moved that the Board Meeting scheduled for September 3 be postponed to a later date.

There being no second, Mrs. Swaim proposed a motion which was seconded by Mr. Rosenfield, to waive the rules of the Board to permit postponement of the meeting scheduled for September 3, in view of the fact that budget hearings are scheduled, and that notification should be given to the community of a substitute meeting later for participation by the community.

Mr. Hobson stated that in light of the pressing problems in the public schools, he would like for the record to show his opposition to the Board going without holding meetings for two months.

Mrs. Allen reiterated the fact that this was the community meeting and not the regular Board business meeting.

The question was put and carried with Mrs. Swaim, Mr. Rosenfield, Mr. Roots, Mr. Hancock and Mrs. Allen voting AYE and Mr. Hobson voting NO.

At this point, President Coates entered the meeting.

Mrs. Allen explained to President Coates that the motion on the floor was not to hold the September 3 meeting of the Board of Education, and that the vote in favor of the motion had just been completed.

There being no further business, the meeting adjourned at 12:29 p. m.

Gertrude L. Williamson  
Executive Secretary  
Board of Education



# NOTICE OF MEETING

Exhibit B

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA  
PRESIDENTIAL BUILDING  
415 TWELFTH STREET, N. W.  
WASHINGTON, D. C. 20004

ANITA FORD ALLEN, PRESIDENT  
JAMES E. COATES, VICE PRESIDENT  
MURIEL M. ALEXANDER  
CHARLES I. CASSELL  
EDWARD L. HANCOCK  
NELSON C. ROOTS  
ALBERT A. ROSENFELD  
MARTHA S. SWAIM  
MATTIE G. TAYLOR  
BARDYL R. TIRANA  
EVIE M. WASHINGTON  
GERTRUDE L. WILLIAMSON  
EXECUTIVE SECRETARY

June 25, 1970

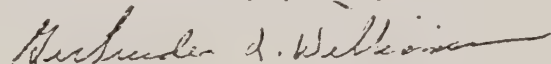
Members of the Board of Education  
of the District of Columbia

Ladies and Gentlemen:

The President of the Board of Education has scheduled a meeting of the Committee-of-the-Whole at 7:30 p. m. on July 1, 1970, in the Presidential Building, for the purpose of discussing the reports submitted by the Acting Superintendent for a better educational program for the 1970-71 school year, as requested by the Board on March 18, 1970.

Immediately following the meeting of the Committee-of-the-Whole, the President has called a Special Meeting of the Board for the purpose of possibly taking action on the reports of the Acting Superintendent, as discussed in the Committee-of-the-Whole.

Very sincerely yours,



Gertrude L. Williamson  
Executive Secretary  
Board of Education

GLW:lr

cc: Mr. Henley  
Mr. Nickens  
Mr. Koontz





Exhibit C

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA  
PRESIDENTIAL BUILDING  
415 TWELFTH STREET, N. W.  
WASHINGTON, D. C. 20004

ANITA FORD ALLEN, PRESIDENT  
JAMES E. COATES, VICE PRESIDENT  
MURIEL M. ALEXANDER  
CHARLES I. CASSELL  
EDWARD L. HANCOCK  
NELSON C. ROOTS  
ALBERT A. ROSENFELD  
WARTHA S. SWAIM  
MATTIE G. TAYLOR  
BARDYL R. TIRANA  
EVIE M. WASHINGTON  
GERTRUDE L. WILLIAMSON  
EXECUTIVE SECRETARY

July 9, 1970

Members of the Board of Education  
of the District of Columbia

Ladies and Gentlemen:

I am pleased to send to you the report from Dr. Kenneth Clark entitled "A Possible Reality" and the volume of Task Force memoranda which represents supportive documentation.

Dr. Clark has arranged his schedule to meet with the Board on Monday, July 13 to discuss the report and to answer our questions.

Accordingly, the president of the Board of Education is calling a special meeting of the Board for Monday, July 13, 1970 at 3:00 p.m. The Board will meet in executive session at 3:00 p.m. in the Superintendent's Conference Room with Dr. Clark and some of his staff members. At 6:00 p.m. we shall go into open session in the Board Room, Presidential Building, to receive the report officially and to act upon it.

I think you ought to know that advance copies have been distributed to members of the working press. I hope this is consistent with your interests.

Sincerely yours,

*Anita F. Allen*

(Mrs.) Anita F. Allen  
President  
Board of Education

AFA:mdw

cc: Mr. Henley  
Mr. Nickens



3.7

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., :

Plaintiffs, :

v. : Civil Action No. 82-66

CARL F. HANSEN, et al., :

Defendants. :

SUBMISSION OF DEFENDANTS

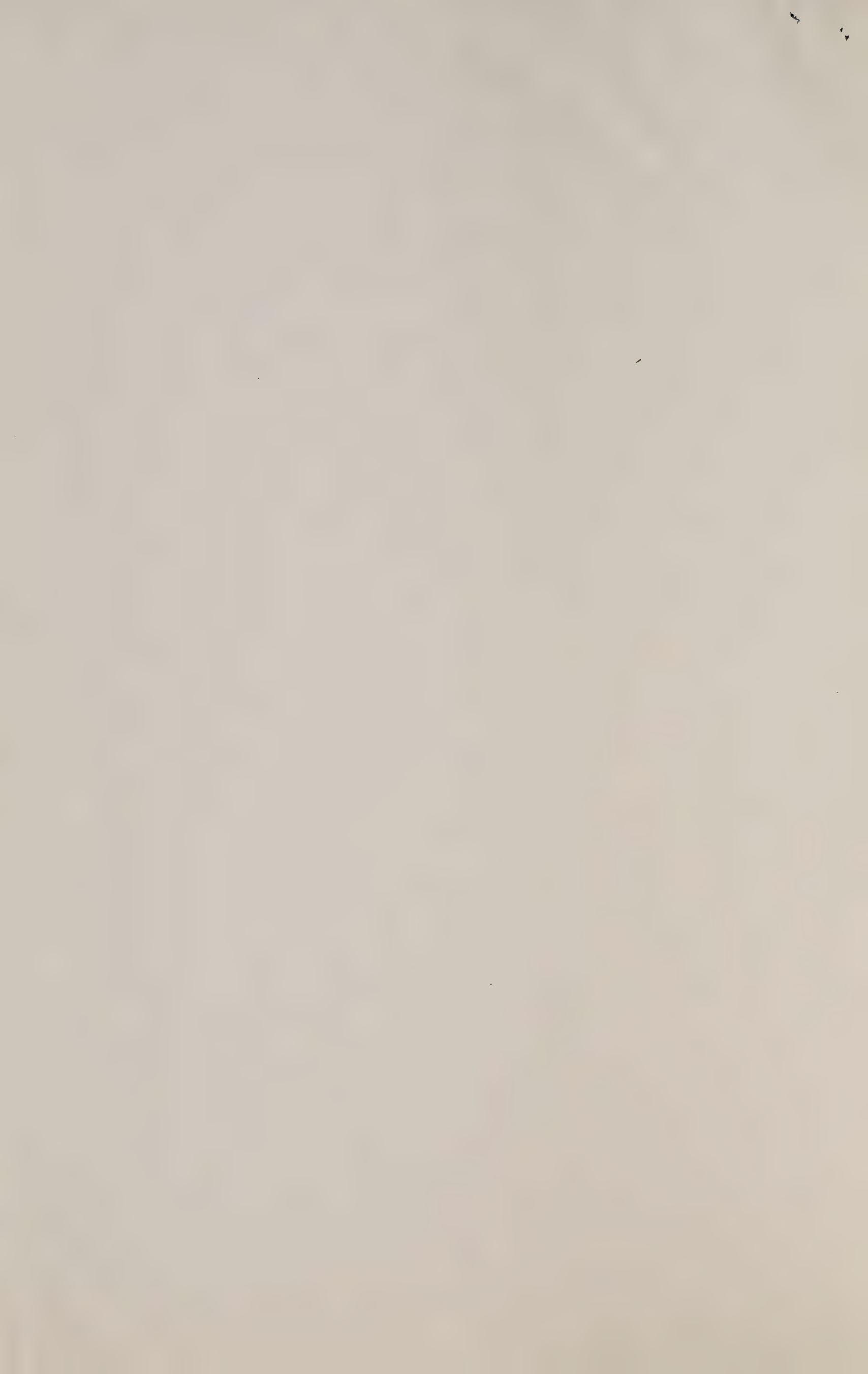
Pursuant to order of Court dated August 12, 1970, defendants submit herewith the appended information for the Court's consideration.

/s/ Hubert B. Fair  
HUBERT B. FAIR  
Acting Corporation Counsel, D.C.

/s/ John A. Earnest  
JOHN A. EARNEST  
Assistant Corporation Counsel, D.C.

/s/ Matthew J. Mulleney  
MATTHEW J. MULLENEY  
Assistant Corporation Counsel, D.C.

/s/ Thomas R. Nedrich  
THOMAS R. NEDRICH  
Assistant Corporation Counsel, D.C.  
Attorneys for Defendants  
District Building  
Washington, D.C. 20004  
629-4865



Under \$500.00	500.00 - 599.99	500.00 - 599.99	600.00 - 699.99	700.00 - 799.99	800.00 - 899.99	900.00 - 999.99	1000.00 - 1099.99	1100.00 - and over
Morgan Annex 104.42 Tubman 304.57 Rivall Annex 327.14 Sawyer 375.14 Riddle Highlands 407.33 Riddle & Annex 438.46 Congress Heights 453.96 Kirball 472.13 Nalle 476.29 McGehee 484.75 Garfield 490.96 Davis, Annex 491.75 Sisco 498.04 Smothers	Slove 500.89 Paterson 507.78 Ketchum & A. 512.38 Benning & A. 513.48 Draper 515.09 Carver 516.66 Kingsman 518.09 Plummer 518.29 Lafayette 515.82 Young 524.36 Green 526.89 Bancroft 528.12 Turner 529.96 Orr 530.32 Whittier 531.08 Ruddolph 535.38 Wilson 538.91 Noyes 540.14 Keene 541.11 Logan 544.31 Drew 545.23 Bunker Hill 545.50 Brightwood 545.53 Blow-Pierce 551.09 Mner 551.85	Eckington 553.26 Adams 553.96 Gibbs 554.23 Langdon 557.44 Park View 564.27 Harris 570.31 Stanton & A. 570.91 Emery 575.08 Payne 576.48 Alton 577.44 Takoma 578.92 Bryan 582.98 Koten 584.01 Houston 585.39 Korse 586.48 Cooke, H.D. 587.24 Crummell & A 588.30 Walker-Jones 589.76 Birney 590.30 Burroughs 590.85 Cook, J.F. 592.90 Slaters 593.63 Sumner 593.70 Goding 595.63 Beets 595.91 Kenilworth 596.17 West 598.65	Langston 601.66 Mort 603.33 Webb 605.76 Raymond 608.62 Nottogomery 609.61 Syphax 611.83 Stimons 612.39 Brookland 613.42 Watkins 615.20 Maury 616.44 Mantoe 619.57 Shepherd 621.51 Mendon 624.04 Clark 632.33 Truesdell 639.46 Brent 642.35 Buchanan 648.24 Garrison 653.61 Petworth 659.36 Jackson 659.62 Peabody 661.98 Oyster 662.98 Woodridge 666.86 Lovejoy 667.44 Seaton 668.05 Thomas 670.82 Tyler 672.23 Barnard 672.35 Shadd 674.82 Kerritt 686.08 River Terrace 688.53 Lewis 692.44 Meyer 695.36	Giddings 705.84 Burville 712.30 Eaton 715.89 Richardson 719.02 Bruce 720.04 Wheatley 720.26 Church 720.33 Thomson 722.04 Van Ness 728.93 Bowen 734.43 Gage 744.21 Hearst 746.33 Stoddert 752.98 Janney 760.57 Hardy 772.35 Morgan 775.65 Harrison 789.13 Key 794.28	Cleveland 806.30 Lenox, A. 811.68 Edmonds 830.12 Hyde 855.25 Filmore 873.58 Powell 881.26	Stevens 930.19 Lenox 949.48 Mann 966.97	Grimke 1000.00	Nichols Avenue 1132.06 Perry 1163.40 Grant 1625.47 Military Road 1818.61 Bundy 2033.77

Median = 596.

2

65  
2/130

2  
130

596.17

591.41 = Median

65  
65  
130

596.17  
598.65

63  
2/130

133 schools

133 schools





LISTING OF SCHOOLS BY DEVIATION FROM THE MEAN, AT FIVE PERCENT INTERVALS - EXPENDITURES FROM REGULAR APPROPRIATIONS ONLY  
(Mean - 585.82)

Under 439.37	439.37 - 468.65	468.66 - 497.94	497.95 - 527.22	527.23 - 556.52	556.53 - 585.81
Morgan Annex 104.42	Congress Hgts. 453.96	Kimball 472.13	Smothers 498.04	Bancroft 528.12	Langdon 557.44
Tubman 304.57		Nalle 476.26	Slowe 500.89	Turner 529.96	Park View 564.27
Tyler Annex 327.14		McGogney 476.80	Patterson 507.78	Orr 530.32	Harris 570.31
Savoy 375.14		Garfield 484.75	Ketcham & Annex 512.38	Whittier 531.08	Stanton & Annex 570.91
Randle Highlands 407.33		Davis & Annex 490.96	Benning & Annex 513.48	Rudolph 535.38	Emery 575.08
Hendley & Annex 438.46		Simon 491.75	Draper 515.09	Wilson 538.91	Payne 576.48
			Lafayette 515.82	Noyes 540.14	Aiton 577.44
			Carver 516.66	Keene 541.11	Takoma 578.92
			Kingsman 518.09	Logan 544.31	Bryan 582.98
			Plummer 518.29	Drew 545.23	Moten 584.01
			Young 524.36	Bunker Hill 545.50	Houston 585.39
			Green 526.89	Brightwood 545.53	
				Blow-Pierce 551.09	
				Miner 551.85	
				Eckington 553.26	
				Adams 553.96	
				Gibbs 554.23	

585.82 - 615.10	615.11 - 644.39	644.40 - 673.68	673.69 - 702.97	702.98 - 732.27	732.28 - 761.56
Morse 586.48	Watkins 615.20	Buchanan 648.24	Shadd 674.82	Giddings 705.84	Bowen 734.43
Cooke, H.D. 587.24	Maury 616.44	Garrison 653.61	Merritt 686.08	Burrville 712.30	Gage 744.21
Crummell & Annex 588.30	Monroe 619.57	Petworth 659.36	River Terrace 688.53	Eaton 715.89	Hearst 746.33
Walker-Jones 589.76	Shepherd 621.51	Jackson 659.62	Lewis 692.44	Richardson 719.02	Stoddert 752.98
Birney 590.30	LaSalle 625.19	Peabody 661.98	Meyer 695.36	Bruce 720.04	Janney 760.57
Burroughs 590.85	Clark 632.33	Oyster 662.98		Wheatley 720.26	
Cook, J. F. 592.90	Truesdell 639.46	Woodridge 666.86		Murch 720.33	
Slater 593.65	Brent 642.25	Lovejoy 667.44		Thomson 722.04	
Goding 595.63		Seaton 668.05		Van Ness 728.93	
Beers 595.91		Thomas 670.82			
Kenilworth 596.17		Tyler 672.23			
West 598.65		Barnard 672.35			
Langston 601.66					
Mott 603.33					
Webb 605.76					
Raymond 608.62					
Montgomery 609.61					
Syphax 611.83					
Simmons 612.39					
Brookland 613.42					

761.57 - 790.85	790.86 - 820.14	820.15 - 849.53	849.44 - 878.72	878.73 - 908.01	908.02 - 937.30	937.31 - 966.59	966.60 - 995.88
Hardy 722.35	Key 794.28	Edmonds 830.12	Hyde 855.25	Powell 881.26	Stevens 930.19	Lenox 949.98	Mann 966.97
Morgan 775.65	Cleveland 806.30		Fillmore 873.58				
Harrison 789.13	Lenox Annex 811.68						

995.89 - 1025.18	1025.19 and over
Grimke 1000.00	Nichols Ave. 1132.06
	Perry 1163.40
	Grant 1625.47
	Military Rd. 1818.61
	Bundy 2023.77



DISTRIBUTION OF ELEMENTARY SCHOOLS BY 1959 MEDIAN INCOME IN THE CENSUS TRACT OF THE SCHOOL'S LOCATION

Under 2000.00	2000.00 - 2999.99	3000.00 - 3999.99	4000.00 - 4999.99	5000.00 - 5999.99
	Syphax 2912 Lenox Annex 2998 Van Ness 2998	Bundy 3201 Montgomery 3201 Morse 3201 Birney 3430 Nichols Avenue 3430 Savoy 3430 Garrison 3466 Perry 3540 Seaton 3540 Simmons 3540 Walker-Jones 3540 Thomson 3617 Harrison 3741 Tubman 3868 Cook, J. F. 3872 Langston 3872 Slater 3872 Cleveland 3930 Grimke 3930 Kenilworth 3937 Thomas 3937 Lewis 3945 Mott 3945	Burrville 4322 Richardson 4322 Meyer 4348 Buchanan 4459 Payne 4459 Watkins 4459 Bowen 4500 Aiton 4538 Bruce 4556 Monroe 4556 Benning and Annex 4570 Smothers 4570 Logan 4575 Crummell & Annex 4578 Webb 4578 Wilson 4694 Giddings 4616 Lenox 4716 Tyler 4716 Gibbs 4718 Miner 4718 Goding 4728 Edmonds 4758 Lovejoy 4758 Bryan 4783 Blow-Pierce 4907 Kingsman 4907 Maury 4907 Young 4944 Park View 4958 Wheatley 4992	Draper 5100 Cooke, H. D. 5135 Morgan 5135 Morgan Annex 5135 Drew 5150 Harris 5150 Nalle 5150 Shadd 5150 Eckington 5173 Emery 5173 Turner 5214 Garfield 5238 Moten 5238 Green 5246 McGogney 5246 Gage 5274 Carver 5348 Houston 5348 Merritt 5348 Ketcham & Annex 5583 Stanton & Annex 5583 Stevens 5629 Davis & Annex 5685 Plummer 5685 Brent 5789 Congress Hts. & Annex 5902
6000.00 - 6999.99	7000.00 - 7999.99	8000.00 - 8999.99	9000.00 - 9999.99	10000.00 - 10999.99
Clark 6000 Petworth 6000 Powell 6033 Powell & Annex 6033 Raymond 6033 Peabody 6049 Simon 6138 Bancroft 6158 Adams 6278 Barnard 6329 Hendley & Annex 6386 Orr 6467 Patterson 6474 River Terrace 6597 Woodridge 6614 Rudolph 6759 Truesdell 6759	Brookland 7052 Noyes 7052 Slowe 7052 Takoma 7379 Brightwood 7611 West 7611 Whittier 7650 Beers 7777 Randle High 7777 Grant 7896 Military Rd. 7986 Kimball 7992	Burtoughs 8040 Keene 8040 Langdon 8040 La Salle 8192	Bunker Hill 9720 Filmore 9780 Hyde 9780	Murch 10374 Stoddert 10835
11000.00 - 11999.99	12000.00 - 12999.99	13000.00 - 13999.99	14000.00 & Over	
Janney 11096 Oyster 11376 Jackson 11384 Eaton 11582 Hearst 11582		Shepherd 13173 Lafayette 13324 Hardy 13756 Mann 13756	Key 14269	





LISTING OF SCHOOLS BY DEVIATION FROM THE MEAN OF ALL MEDIAN INCOMES OF THE CENSUS TRACK OF LOCATIONS: AT FIVE PERCENT INTERVALS  
(Mean - 5969.85)



Below 3283.00	3283.00 - 3582.00	3583.00 - 3880.00	3881.00 - 4179.00	4180.00 - 4477.00		
Syphax	2912 Birney	3430 Thomson	3617	Cleveland	3930 Burrville	4322
Lenox Annex	2998 Nichols Ave.	3430	3741 Harrison	Grimke	3930 Richardson	4322
Van Ness	2998 Savoy	3430	3868 Tubman	Kenilworth	3937 Meyer	4348
Bundy	3201 Garrison	3466	3872 Cook, J.F.	Thomas	3937 Buchanan	4459
Montgomery	3201 Perry	3540	3872 Langston	Lewis	3945 Payne	4459
Morse	3201 Seaton	3540	3872 Slater	Mott	3945 Watkins	4459
	Simmons	3540				
	Walker-Jones	3540				



4478.00 - 4776.00	4777.00 - 5074.00	5075.00 - 5373.00	5374.00 - 5671.00	5672.00 - 5969.00
Bowen 4500	Bryan 4783	Draper 5100	Ketcham 5583	Davis & Annex 5685
Alton 4538	Blow-Pierce 4907	Cooke, H.D. 5135	Stanton & Annex 5583	Plummer 5685
Bruce 4556	Kingsman 4907	Morgan 5135	Stevens 5629	Brent 5789
Monroe 4556	Maurry 4907	Morgan Annex 5135		Congress Hts. & Annex 5902
Benning & Annex 4570	Young 4944	Drew 5150		
Smotherers 4570	Park View 4958	Harris 5150		
Logan 4575	Wheatley 4992	Nalle 5150		
Crummell & Annex 4578		Shadd 5150		
Webb 4578		Eckington 5173		
Wilson 4694		Emery 5173		
Giddings 4716		Turner 5214		
Leach 4716		Garfield 5238		
Tyler 4716		Moten 5238		
Gibbs 4718		Green 5246		
Miner 4718		McGogney 5246		
Goding 4728		Gage 5274		
Edmonds 4758		Carver 5348		
Lovejoy 4758		Houston 5348		
		Merritt 5348		





7463.00 - 7761.00

7762.00 - 8059.00

8060.00 - 8358.00

8359.00 - 8656.00

8657.00 - 8955.00

Brighwood 7611  
Nest 7611  
Wittler 7650

Beers 7777  
Randle High. 7777  
Grant 7896  
Military Rd. 7986  
Kimball 7992  
Burroughs 8040  
Keene 8040  
Langdon 8040

LaSalle 8192



9556.00 - 9253.00

9254.00 - 9552.00

9553.00 - 9850.00

9851.00 - 10149.00

10150.00 - 10447.00

Bunker Hill 9720  
Fillmore 9780  
Hyde 9780

Murch

10374





10443.00 - 10746.00      10747.00 - 11044.00      11045.00 - 11343.00      11344.00 - 11641.00      11642.00 - 11940.00

Stoddert      10835

Janney      11096

Oyster	11376
Jackson	11384
Eaton	11582
Hearst	11582



Above 11941.00

Shepherd	13173
Lafayette	13324
Hardy	13756
Mann	13756
Key	14269



Correlation Between 1970 Per-Pupil Cost and  
1959 Median Family Income

As requested by the United States District Court for the District of Columbia, an attempt has been made to establish the relationship between the per-pupil expenditure and each individual elementary school building and the median family income in the census tract in which that school building is located. Data on per-pupil expenditures are based on costs in the 1969-1970 school year not from regular appropriations while the income figures are derived from the 1960 Decennial Census and show median income in the 1959 calendar year. Separate arrays of per-pupil expenditures and of median income for (131) buildings were compiled. By use of a standard formula, using a rank-order method of correlation, appropriate to the comparison of two ranked listings, a co-efficient of correlation of  $-.08$  was obtained. This indicates that no relationship exists between the variables under consideration, i.e., the per-pupil expenditure by the District of Columbia Public School System, at any specified school building is independent of the median family income in its neighborhood.

Inasmuch as the data on per-pupil expenditures and those on family income are based on information collected ten years apart, it is difficult to make any meaningful interpretation of the figures. The foregoing conclusion is valid only if the same pattern of family income exists in 1970 as was evident in 1960. Although statistical data are not yet available from the Bureau of the Census, it is manifest that, in a substantial number of instances, the economic level in census tracts on the periphery of the central core of the city has changed materially.





A mean median family income was secured by adding the median for each school and dividing that total by 131 -- the number of elementary school buildings in use on October 16, 1969 that were still occupied for that purpose at the end of the 1969-1970 school year. The mean was found to be \$5,969.85. The standard deviation from this mean was found to be plus or minus \$2,483.12. That is, to say, the bulk of the schools under consideration were located in areas where the 1959 median family income ranged from \$3,486.73 to \$8,452.97.

The correlation between the per-pupil expenditure from funds authorized by the fiscal year 1970 District of Columbia Appropriation Act and the 1959 median family income in the census tract in which each school was located was  $-.081$ .



PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA  
SUPERINTENDENT OF SCHOOLS  
PRESIDENTIAL BUILDING  
418 - 12TH STREET, N. W.  
WASHINGTON, D. C. 20004

No. School	1959 Median Income	No. School	1970 Per-Pupil Expenditure
1. Syphax	2912	1. Morgan Annex	104.42
2. Lennox Annex	2998	2. Tubman	304.57
3. Van Ness	2998	3. Powell Annex	327.14
4. Bundy	3201	4. Savoy	375.14
5. Montgomery	3201	5. Randall Highlands	407.33
6. Morse	3201	6. Henley & Annex	438.46
7. Birney	3430	7. Congress Hgts. & Ann.	453.96
8. Nichols Avenue	3430	8. Kimball	472.13
9. Savoy	3430	9. Nalle	476.29
10. Garrison	3466	10. McGogney	476.80
11. Perry	3540	11. Garfield	484.75
12. Seaton	3540	12. Davis & Annex	490.96
13. Simmons	3540	13. Simons	491.75
14. Walker-Jones	3540	14. Smothers	498.04
15. Thomson	3617	15. Slowe	500.89
16. Harrison	3741	16. Patterson	507.78
17. Tubman	3868	17. Ketcham & Annex	512.38
18. Cook, J.F.	3872	18. Benning & Annex	513.48
19. Langston	3872	19. Draper	515.09
20. Slater	3872	20. Lafayette	515.82
21. Cleveland	3930	21. Carver	516.66
22. Grimke	3930	22. Kingsman	518.09
23. Kenilworth	3937	23. Plummer	518.29
24. Thomas	3937	24. Young	524.36
25. Lewis	3945	25. Green	526.89
26. Mott	3945	26. Bancroft	528.12
27. Burrville	4322	27. Turner	529.96
28. Richardson	4322	28. Orr	530.32
29. Meyer	4348	29. Whittier	531.08
30. Buchanan	4459	30. Rudolph	535.38
31. Payne	4459	31. Wilson	538.91
32. Watkins	4459	32. Noyes	540.14
33. Bowen	4500	33. Keene	541.11
34. Aiton	4538	34. Logan	544.31
35. Bruce	4556	35. Drew	545.23
36. Monroe	4556	36. Bunker Hill	545.50
37. Benning & Annex	4570	37. Brightwood	545.53
38. Smothers	4570	38. Blow-Pierce	551.09
39. Logan	4575	39. Miner	551.85
40. Crummell & Annex	4578	40. Eckington	553.26
41. Webb	4578	41. Adams	553.96
42. Wilson	4694	42. Gibbs	554.23
43. Giddings	4616	43. Langdon	557.44
44. Lenox	4716	44. Park View	564.27





45. Tyler	4716	45. Harris	570.31
46. Gibbs	4718	46. Stanton & Annex	570.91
47. Miner	4718	47. Emery	575.07
48. Goding	4728	48. Payne	576.48
49. Edmonds	4758	49. Aiton	577.44
50. Lovejoy	4758	50. Takoma	578.92
51. Bryan	4783	51. Bryan	582.98
52. Blow-Pierce	4907	52. Moten	584.01
53. Kingsman	4907	53. Houston	585.39
54. Maury	4907	54. Morse	586.48
55. Young	4944	55. Cooke, H. D.	587.24
56. Park View	4958	56. Crummell & Annex	588.30
57. Wheatley	4992	57. Walker- Jones	589.76
58. Draper	5100	58. Birney	590.30
59. Cooke, H. D.	5135	59. Burroughs	590.85
60. Morgan	5135	60. Cook, J. F.	592.90
61. Morgan Annex	5135	61. Slater	593.63
62. Drew	5150	62. Goding	595.63
63. Harris	5150	63. Beers	595.91
64. Nalle	5150	64. Kenilworth	596.17
65. Shadd	5150	65. West	598.65
66. Eckington	5173	66. Langston	601.66
67. Emery	5173	67. Mott	603.33
68. Turner	5214	68. Webb	605.76
69. Garfield	5238	69. Raymond	608.62
70. Moten	5238	70. Montgomery	609.61
71. Green	5246	71. Syphax	611.83
72. McGogney	5246	72. Simmons	612.39
73. Gage	5274	73. Brookland	613.42
74. Carver	5348	74. Watkins	615.20
75. Houston	5348	75. Maury	616.44
76. Merritt	5348	76. Monroe	619.57
77. Ketcham & Annex	5583	77. Shepherd	621.51
78. Stanton & Annex	5583	78. La Salle	625.19
79. Stevens	5629	79. Clark	632.33
80. Davis & Annex	5685	80. Truesdell	639.46
81. Plummer	5685	81. Brent	642.25
82. Brent	5789	82. Buchanan	648.24
83. Congress Hgts. & Ann.	5902	83. Garrison	653.61
84. Clark	6000	84. Petworth	659.36
85. Petworth	6000	85. Jackson	659.62
86. Powell	6033	86. Peabody	661.98
87. Powell Annex	6033	87. Oyster	662.98
88. Raymond	6033	88. Woodridge	666.86
89. Peabody	6049	89. Lovejoy	667.44
90. Simon	6138	90. Seaton	668.05
91. Bancroft	6158	91. Thomas	670.82
92. Adams	6278	92. Tyler	672.23
93. Barnard	6329	93. Barnard	672.35
94. Henley & Annex	6386	94. Shadd	674.82
95. Orr	6467	95. Merritt	686.08
96. Patterson	6474	96. River Terrace	688.53
97. River Terrace	6597	97. Lewis	692.44



98. Woodridge	6614
99. Rudolph	6759
100. Truesdell	6759
101. Brookland	7052
102. Noyes	7052
103. Slowe	7052
104. Takoma	7379
105. Brightwood	7611
106. West	7611
107. Whittier	7650
108. Beers	7777
109. Randall Highlands	7777
110. Grant	7896
111. Military Road	7986
112. Kimball	7992
113. Burroughs	8040
114. Keene	8040
115. Langdon	8040
116. LaSalle	8192
117. Bunker Hill	9720
118. Fillmore	9780
119. Hyde	9780
120. Murch	10374
121. Stoddert	10835
122. Janney	11096
123. Oyster	11376
124. Jackson	11384
125. Eaton	11582
126. Hearst	11582
127. Shepherd	13173
128. Lafayette	13324
129. Hardy	13756
130. Mann	13756
131. Key	14269

98. Meyer	695.36
99. Giddings	705.84
100. Burrville	712.30
101. Eaton	715.89
102. Richardson	719.02
103. Bruce	720.04
104. Wheatley	720.26
105. Murch	720.33
106. Thomson	722.04
107. Van Ness	728.93
108. Bowen	734.43
109. Gage	744.21
110. Hearst	746.33
111. Stoddert	752.98
112. Janney	760.57
113. Hardy	772.35
114. Morgan	775.65
115. Harrison	789.13
116. Key	794.28
117. Cleveland	806.30
118. Lenox Annex	811.68
119. Edmonds	830.12
120. Hyde	855.25
121. Fillmore	873.58
122. Powell	881.26
123. Stevens	930.19
124. Lenox	949.98
125. Mann	966.97
126. Grimke	1000.00
127. Nichols Avenue	1132.06
128. Perry	1163.40
129. Grant	1625.47
130. Military Road	1818.61
131. Bundy	2023.77

- Bill Buckley -  
- Manning -

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 12 1970

Julius Hobson, et al.,  
Plaintiffs,

ROBERT M. STEAKINS, Clerk

v.

Civil Action No. 82-66

Carl F. Hansen, et al.,  
Defendants

O R D E R

It is ORDERED that defendants file with the Clerk of this court on or before August 21, 1970 the following tables of data from the 1970 fiscal year:

- (1) The distribution of elementary schools in terms of per pupil expenditure out of regular funds, ranking them from the lowest to the highest, and organized as is the table filed with this court on August 10, 1970 entitled "Distribution of Elementary Schools, Per Pupil Expenditure, 1969-1970 School Year."
- (2) The listing of elementary schools by deviation from the mean per pupil expenditure out of regular funds, ranking them from the lowest to the highest, and organized as is the table filed with this court on August 10, 1970 entitled "Listing of Schools by Deviation from the Mean, at Five Percent Intervals."
- (3) The distribution of elementary schools in terms of 1959 median family income, ranking them from the lowest median income to the highest, and organized as is the table filed with this court on August 10, 1970 entitled "Distribution of Elementary Schools, Per Pupil Expenditure, 1969-1970 School Year."
- (4) The listing of elementary schools by deviation from the mean 1959 median family income, ranking them from the lowest income

(N)



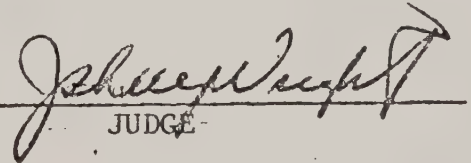


to the highest, and organized as is the table filed with this court on August 10, 1970 entitled "Listing of Schools by Deviation from the Mean, at Five Percent Intervals."

- (5) A calculation of the statistical correlation between deviation from mean per pupil expenditure out of regular funds and deviation from mean 1959 median family income.

It is FURTHER ORDERED that plaintiffs be permitted until September 14, 1970 to file a memorandum responding to defendants exhibits filed in the record on August 10, 1970 pursuant to court order and those exhibits which will be filed on August 21, 1970 pursuant to this order. It is

FURTHER ORDERED that defendants be permitted until October 5, 1970 to answer plaintiffs' memorandum.

  
JUDGE



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON et al.,

Plaintiffs

v.

Civil Action No. 82-66

CARL F. HANSEN et al.,

Defendants

**FILED**

SEP 1 1970

ROBERT M. SIEARNS, CLERK

ORDER

In consideration of plaintiffs' motion to produce additional information,


IT IS ORDERED that the defendants herein file in the record in this case on or before October 5, 1970, the following information:

1. For each public elementary school in the District of Columbia list the enrollment capacity and the actual enrollment as of September 21, 1970, together with percentage of over- or under-capacity.
2. The number <sup>(and percentage)</sup> of white pupils and the number <sup>(and percentage)</sup> of black pupils in each public elementary school in the District of Columbia as of September 21, 1970.
3. Projected per-pupil expenditure out of regular funds for teacher services rendered at each public elementary school in the District of Columbia for the school year 1970-1971, as well as the per-pupil expenditure out of regular funds for teacher services rendered at each public elementary school in the District of Columbia during the school year 1969-1970.
4. Any data from the 1970 census which will indicate the median family income for the neighborhood of each public elementary school in the District of Columbia.

IT IS FURTHER ORDERED that this court's order filed August 12, 1970 be amended so as to permit the plaintiffs until October 12, 1970 to file a memorandum responding to the defendants' exhibits filed in the record on August 10, 1970, on August 21, 1970, and pursuant to this order. IT IS FURTHER ORDERED that the defendants be permitted until October 26, 1970, to answer the plaintiffs' memorandum.

IT IS FURTHER ORDERED that plaintiffs' motion to produce additional information filed August 17, 1970, other than as granted in this order, be denied.

Washington, D. C.  
September 1, 1970

  
J. SKELLY WRIGHT  
UNITED STATES CIRCUIT JUDGE





PFR

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOHN D. W. HANCOCK, et al., :

Plaintiffs, :

v. :

Civil Action No. 88-11

CARL F. HANCOCK, et al., :

Defendants. :

REVISION OF EXHIBITS TO THE COURT

The defendants submit herewith revised editions of the charts which were filed with the Court on November 2, 1970.

/s/ C. Francis Murphy  
C. FRANCIS MURPHY  
Acting Corporation Counsel, D.C.

/s/ John A. Forrest  
JOHN A. FORREST  
Assistant Corporation Counsel, D.C.

/s/ William J. Williams, Jr.  
WILLIAM J. WILLIAMS, JR.  
Assistant Corporation Counsel, D.C.

/s/ William J. Williams, Jr.  
WILLIAM J. WILLIAMS, JR.  
Assistant Corporation Counsel, D.C.  
Attorneys for Defendants  
District Building  
Washington, D.C. 20004



OPERATING EXPENDITURES FROM REGULARLY APPROPRIATED FUNDS, FISCAL YEAR 1970

1969-70 ADM	Schools	Total		Per Pupil-Teacher Expenditure
		Operating Expenditures	Teacher Expenditure Only	
597.2	Adams	330823.63	221369.71	370.68
1054.6	Alton	608967.42	457992.51	434.28
936.1	Bancroft	494373.27	382967.36	409.11
839.8	Barnard	564640.52	422541.41	503.15
926.7	Beers	552234.13	423550.64	457.05
534.7	Benning & Annex	274556.20	200269.40	374.58
994.9	Birney	587287.88	436137.30	438.37
712.0	Blow - Pierce	392373.91	273554.63	384.21
556.0	Bowen	408341.17	320345.06	576.16
377.7	Brent	242614.30	143717.74	380.51
755.5	Brightwood	412148.99	326074.92	431.60
331.2	Brookland	203163.43	157480.28	475.48
464.3	Bruce	334316.05	263813.75	568.20
807.0	Bryan	470462.74	385682.66	477.92
614.2	Buchanan	398151.32	305725.35	497.76
186.3	Bundy	377029.23	274237.31	1472.02
1050.2	Bunker Hill	572880.14	459038.40	437.10
848.4	Burroughs	501273.29	383593.71	452.14
554.0	Burville	394616.15	285416.12	515.19
320.5	Carver	165588.66	113151.83	353.05
700.4	Clark	442880.50	314378.43	448.86
346.7	Cleveland	279545.51	209318.84	603.75
1205.7	Congress Heights & Annex	547337.25	439232.14	364.30
535.3	Cook, J. F.	317380.97	247078.04	461.57
954.1	Cooke, H. D.	560281.75	431947.32	452.73
460.6	Crummell & Annex	270972.94	194835.48	423.00
1584.4	Davis & Annex	777874.67	622643.51	392.98
1166.7	Draper	600957.42	446579.22	382.77
974.8	Drew	531491.64	416641.99	427.41
387.7	Eaton	277551.86	189560.20	488.94
230.1	Eckington	127304.21	90781.46	394.53
190.8	Edmonds	158387.40	133337.52	698.83
1006.5	Emery	578814.96	424919.17	422.18



1969-70				
ADM	Schools	Total Operating Expenditure	Total Teacher Expenditure Only	Per Pupil-Teacher Expenditure
154.5	Fillmore	134967.94	99430.80	643.57
314.0	Gage	233683.30	164009.53	522.32
1107.0	Garfield	536646.69	422826.99	381.96
925.3	Garrison	604788.71	451271.47	487.70
862.2	Gibbs	477860.60	337568.37	391.52
462.9	Giddings	326732.25	254444.88	549.68
879.8	Goding	524032.43	403701.29	458.86
125.2	Grant	203484.35	162763.17	1300.03
1286.1	Green	677638.05	511860.07	397.99
422.5	Grimke	422500.12	280633.25	664.22
219.9	Hardy	169838.89	131423.30	597.65
1033.3	Harris	589302.75	444089.50	429.78
473.6	Harrison	373734.07	274903.97	580.46
266.7	Hearst	199047.53	156141.01	585.46
1710.3	Hendley & Annex	749896.79	608256.87	355.64
940.0	Houston	550263.81	417467.01	444.11
135.0	Hyde	115458.23	82330.25	609.85
138.8	Jackson	91554.82	67861.77	488.92
455.3	Janney	346288.45	274945.92	603.88
796.3	Keene	510512.97	362872.79	455.70
900.0	Kenilworth	536551.05	394983.51	438.87
1148.9	Ketcham & Annex	588668.87	501071.99	436.13
200.4	Key	159173.95	125139.49	624.45
1382.0	Kimball	652480.22	532410.14	385.25
697.4	Kingsman	361317.55	284321.90	407.69
734.5	Lafayette	378869.87	306530.76	417.33
838.2	Langdon	467248.09	378673.82	451.77
203.0	Langston	122136.59	92116.00	453.77
980.5	LaSalle	612994.90	489998.82	499.74
353.7	Lenox	335831.75	252610.67	714.19
76.6	Lenox Annex	62174.85	50369.78	657.57
560.2	Lewis	382303.18	273418.86	488.07
820.4	Logan	446550.97	352478.77	429.64
566.1	Lovejoy	377838.07	309028.40	545.89





1969-70				
ADM	Schools	Total Operating Expenditures	Total Teacher Expenditure Only	Per Pupil-Teacher Expenditure
187.2	Mann	181017.66	146310.18	781.57
519.6	Maury	320302.57	236582.41	455.32
1512.3	McGowney & Annex	721066.80	546452.53	361.34
515.1	Merritt	353398.37	293107.94	569.03
1079.0	Meyer	750288.24	590438.57	547.21
54.9	Military Road	99841.52	77774.08	1416.65
1009.1	Miner	556876.75	428245.21	424.38
600.5	Monroe	372053.88	287943.06	479.51
637.2	Montgomery	387806.93	291739.04	457.85
497.9	Morgan	386200.08	272458.66	547.22
161.2	Morgan Annex			
225.0	Morse	131956.99	95789.35	425.73
1243.8	Moten	726387.18	554130.74	445.51
680.0	Mott	410269.53	325057.49	478.03
634.0	Murch	456687.63	380732.29	600.52
1072.5	Nalle	510817.23	366379.85	341.61
334.5	Nichols Avenue	378673.60	260393.06	778.45
630.9	Noyes	340773.51	270596.22	428.91
426.3	Orr	226075.18	171812.55	403.03
268.0	Oyster	177679.96	124901.80	466.05
928.8	Park View	524092.66	394262.10	424.49
1276.6	Patterson	648233.07	523424.68	410.01
751.7	Payne	433343.68	331323.53	440.77
267.5	Peabody	177080.73	128270.34	479.52
207.2	Perry	241057.23	170354.00	822.17
519.1	Petworth	342272.85	270629.56	521.34
1070.1	Plummer	554617.79	436269.71	407.69
456.8	Powell	402558.71	331828.49	726.42
236.2	Powell Annex	77269.59	46734.93	197.86
539.8	Randle Highlands	219874.21	181819.27	336.83
984.8	Raymond	599370.35	467839.67	475.06
904.4	Richardson	650278.73	476248.14	526.59
505.4	River Terrace	347981.15	270404.37	535.03
1047.8	Rudolph	560966.93	420178.99	401.01
1110.5	Savoy	416596.45	268968.56	242.20
606.7	Seaton	405303.85	270920.04	446.55
795.9	Shadd	537086.88	403333.60	506.76



1969-70				
ADM				
	Schools	Total		Per Pupil-Teacher
		Operating Expenditure	Teacher Expenditure Only	
551.4	Shepherd	342702.39	267307.76	484.78
639.1	Simmons	391379.08	319431.73	499.81
1173.5	Simon	577064.73	454584.57	387.38
232.4	Slater	137958.92	107644.30	463.19
953.0	Slowe	477347.99	352034.68	369.40
665.2	Smothers	331297.53	253967.84	381.79
1287.3	Stanton & Annex	734926.35	573298.18	445.35
249.4	Stevens	231989.57	176846.87	709.09
183.4	Stoddert	138097.19	103156.92	562.47
682.6	Syphax	417637.21	299363.65	438.56
596.8	Takoma	345497.09	279298.06	467.99
861.0	Thomas	577578.14	407167.35	472.90
422.5	Thomson	305062.31	234425.21	544.85
1038.1	Truesdell	663824.80	512853.44	494.03
874.4	Tubman	266319.21	181169.59	207.19
1035.6	Turner	548832.46	390015.62	376.61
962.2	Tyler	646816.87	478197.67	596.98
681.6	Van Ness	496840.46	377058.24	553.20
762.4	Walker-Jones	449633.66	333752.56	437.77
928.9	Watkins	571458.60	404540.35	435.50
963.9	Webb	583890.88	436546.55	452.90
559.8	West	335122.29	268004.96	478.75
841.5	Wheatley	606101.34	447230.57	531.47
1199.6	Whittier	637089.42	511068.71	426.03
1012.2	Wilson, J.O.	545484.37	403951.36	399.08
562.4	Woodridge	375042.74	302034.02	537.04
1179.2	Young	618325.81	495611.40	420.29
90973.4	Total	\$54,058,467.05	\$41,134,085.10	\$594.22





EXPENDITURES FOR STAFF AND TEACHERS' SALARIES AND BENEFITS FROM REGULAR APPROPRIATIONS IN  
THE DISTRICT OF COLUMBIA ELEMENTARY SCHOOLS FOR FISCAL YEAR 1971

<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teachers</u>	<u>Total</u>
	<u>Regular Schools</u>			
985	Aiton	\$58,204	\$466,019	\$524,223
612	Amidon	47,074	318,602	365,676
794	Barnard	74,361	370,774	445,135
939	Beers	63,354	471,596	534,950
495	Benning	45,694	235,928	281,622
	Benning Annex			
870	Blair-Ludlow-Taylor	44,312	362,037	406,349
625	Blow-Pierce	51,043	340,923	391,966
520	Bowen	64,876	366,192	431,068
313	Brent	46,862	195,372	242,234
697	Brightwood	44,837	382,706	427,543
1170	Brookland-Slowe	69,062	554,475	624,537
826	Bryan	45,152	454,328	499,480
580	Buchanan	49,968	333,249	385,217
1013	Bunker Hill	87,054	473,729	560,783
828	Burroughs	62,342	422,144	484,486
538	Burville	40,460	325,354	365,814
655	Clark	51,630	364,443	416,073
526	Cook, J. F.	47,337	278,592	325,929
438	Crummell	46,075	229,322	275,397
	Crummell Annex			
1496	Davis	93,539	587,383	680,922
	Davis Annex			
1051	Drew	78,787	462,854	541,641
594	Eaton-Hearst	47,390	346,105	393,495
427	Edmonds-Peabody	45,296	273,638	318,934
1007	Emery	46,715	418,098	464,813
548	Gage-Eckington	46,574	309,313	355,887
1110	Garfield	78,383	397,256	475,639
773	Gibbs	52,982	396,532	449,514
431	Giddings	48,151	278,612	326,763
849	Goding	45,194	394,792	439,986
349	Hardy-Key	36,568	254,225	290,793
992	Harris	76,190	487,545	563,735

James  
Calk.

797-2265

393-2737

<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teachers</u>	<u>Total</u>
	<u>Regular Schools</u>			
1909	Hendley	\$34,176	\$655,877	\$740,053
	Hendley Annex			
894	Houston	59,118	437,828	496,946
	Hyde-Fillmore			
341	Jackson	35,101	293,765	328,866
377	Janney	28,648	290,105	318,753
741	Keene	45,959	386,122	432,081
851	Kenilworth	47,255	434,158	481,413
1243	Ketcham	62,917	462,083	525,000
	Ketcham Annex			
1439	Kimball	82,981	496,025	579,006
679	Kingsman	38,615	319,553	358,168
663	Lafayette	42,338	328,256	370,594
793	Langdon	48,372	362,438	410,810
919	LaSalle	87,622	559,733	647,355
602	Leckie	44,380	356,448	400,828
418	Lenox	49,135	304,976	354,111
	Lenox Annex			
557	Lewis'	39,679	341,113	380,792
655	Logan	42,125	400,861	442,986
564	Lovejoy	42,050	335,438	377,488
188	Madison	36,541	134,302	170,843
366	Mann-Stoddert	28,003	246,237	274,240
485	Maury	43,807	275,784	319,591
492	Merritt	49,426	317,966	367,392
910	Miner	69,190	482,457	551,647
649	Mott	51,484	373,693	425,177
598	Murch	50,370	396,493	446,863
1033	Nalle	62,493	453,852	516,345
306	Nichols Avenue	35,148	163,933	199,081
732	Noyes	48,441	311,601	360,042
1001	Orr-Randle Highlands	54,720	398,018	452,738
376	Oyster-Military Road	32,141	216,789	248,930
775	Patterson	85,177	434,471	519,648
705	Payne	61,714	396,722	458,436



<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teachers</u>	<u>Total</u>
<u>Model Schools</u>				
863	Bancroft	\$67,938	\$407,223	\$475,161
327	Bruce	49,575	231,731	281,306
261	Bundy	49,359	175,042	224,401
327	Cleveland	46,887	231,313	278,200
836	Cooke, H. D.	83,340	430,625	513,965
865	Garrison	65,441	517,966	583,407
389	Grimke	45,253	280,605	325,858
389	Harrison	64,996	274,567	339,563
1005	Meyer	78,591	527,441	606,032
500	Monroe	40,770	312,108	352,878
763	Montgomery	67,781	355,002	422,783
	{ Morse			
888	Park View	72,306	440,395	512,701
930	Raymond	38,974	480,336	519,310
559	Seaton	63,256	329,592	392,848
948	Tubman	66,416	404,925	471,341
9850	Total Model Schools	\$900,883	\$5,398,871	\$6,299,754
<u>Anacostia Project</u>				
977	Birney	\$74,361	\$370,774	\$445,135
1331	Congress Heights	43,205	466,649	509,854
	Congress Heights Annex			
1157	Draper	47,142	393,843	440,985
1188	Green	66,963	583,842	650,805
1451	McGowney and Annex	71,228	\$77,996	649,224
1300	Moten	81,621	590,981	672,602
1099	Savoy	50,618	386,195	436,813
973	Turner	41,723	424,314	466,037
9476	Total Anacostia Project	\$476,861	\$3,794,594	\$4,271,455





<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teachers</u>	<u>Total</u>
533	<u>Community Schools</u> Adams Morgan Morgan Annex	\$46,576	\$249,412	\$295,988
595		27,876	336,934	364,810
1128		\$74,452	\$586,346	\$660,798
	Total Community Schools			
89951	Grand Total	\$6,547,303	\$44,897,712	\$51,440,015



MembershipSchool or Administrative Unit  
Regular SchoolsStaffTeachersTotal

518	Petworth	\$45,089	\$293,907	\$338,996
1009	Plummer	67,310	463,467	530,777
685	Powell	52,376	414,093	466,469
	Powell Annex			
850	Richardson	73,334	480,524	553,858
479	River Terrace	48,403	306,549	354,952
1011	Rudolph	70,703	476,622	547,325
775	Shadd	67,611	429,510	497,121
553	Shepherd	49,951	329,282	379,233
742	Simmons-Perry	55,715	374,278	429,993
1175	Simon	64,075	503,801	567,876
383	Slater-Langston	34,540	227,444	261,984
995	Smothers-Carver	70,199	440,609	510,808
1361	Stanton	76,747	597,875	674,622
	Stanton Annex			
436	Sumner-Stevens	29,920	297,223	327,143
615	Syphax	47,960	288,267	336,227
582	Takoma	20,619	280,262	300,881
830	Thomas	62,792	432,690	495,482
439	Thomson	48,930	219,859	268,789
1012	Truesdell	85,672	543,493	629,165
892	Tyler	69,907	491,881	561,788
651	Van Ness	37,033	376,086	413,119
737	Walker-Jones	49,445	327,914	377,359
808	Watkins	68,789	387,364	456,153
766	Weatherless	38,499	168,182	206,681
885	Webb	66,028	448,642	514,669
516	West	49,505	286,868	336,373
733	Wheatley	64,960	460,240	525,200
1155	Whittier	76,493	534,363	610,856
920	Wilson	51,240	438,737	489,977
522	Woodridge	47,235	324,259	371,494
1150	Young	79,435	546,376	625,811
69497	Total Regular Schools	\$5,095,107	\$35,112,901	\$40,208,008



EXPENDITURES FOR STAFF AND TEACHERS' SALARIES AND BENEFITS FROM REGULAR APPROPRIATIONS IN  
DISTRICT OF COLUMBIA ELEMENTARY SCHOOLS IN FISCAL YEAR 1971

<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teacher</u>	<u>Combined</u>
<u>Regular Schools</u>				
985	Aiton	59.09	473.11	532.20
612	Amidon	76.92	520.60	597.52
794	Barnard	105.74	525.66	631.40
939	Beers	67.47	491.95	559.42
495	Benning and Annex	92.31	476.62	568.93
870	Blair-Ludlow-Taylor	50.93	416.14	467.07
625	Blow-Pierce	81.67	545.51	627.18
520	Bowen	124.76	704.23	828.99
313	Brent	149.72	586.74	736.46
697	Brightwood	64.33	549.07	613.40
1170	Brookland - Slowe	59.03	474.76	533.79
	Brookland			
	Slowe			
826	Bryan	54.67	550.02	604.69
580	Buchanan	86.15	578.02	664.17
1013	Bunker Hill	85.94	493.58	579.52
828	Burroughs	70.29	473.91	544.20
538	Burville	75.20	604.74	679.94
655	Clark	78.83	556.41	635.24
526	Cook, J. F.	90.00	529.64	619.64
438	Crummell and Annex	105.19	523.58	628.77
1496	Davis and Annex	62.52	392.58	455.10
1051	Drew	74.97	440.40	515.37
594	Eaton - Hearst	79.78	582.66	662.44
	Eaton			
	Hearst			
427	Edmonds - Peabody	106.08	640.84	746.92
	Edmonds			
	Peabody			
1007	Emery	46.38	415.19	461.57
548	Gage - Eckington	84.98	564.43	649.41
	Gage			
	Eckington			





<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teacher</u>	<u>Combined</u>
	<u>Regular Schools</u>			
1110	Garfield	70.62	357.89	428.51
773	Gibbs	68.53	512.99	581.52
431	Giddings	111.73	646.44	758.17
849	Goding	53.24	465.01	518.25
349	Hardy - Key	104.78	728.43	833.21
	Hardy			
	Key			
992	Harris	76.80	496.51	568.28
1909	Hendley and Annex	44.09	343.58	387.67
894	Houston	66.13	489.73	555.86
341	Hyde-Fillmore-Jackson	102.94	861.49	964.43
	Hyde			
	Fillmore			
	Jackson			
377	Janney	75.99	769.52	845.51
741	Keene	62.02	521.08	583.10
851	Kenilworth	55.53	510.17	565.70
1243	Ketcham and Annex	50.62	371.75	422.37
1439	Kimball	57.67	337.71	395.38
679	Kingsman	56.88	470.61	527.49
663	Lafayette	63.86	495.11	558.97
793	Langdon	61.00	457.03	518.03
919	LaSalle	95.34	609.06	704.40
602	Leckie	73.72	592.11	665.83
418	Lenox and Lenox Annex	117.55	729.60	847.15
	Lenox			
	Lenox Annex			
557	Lewis	71.23	612.42	683.65
655	Logan	64.31	612.01	676.32
564	Lovejoy	74.56	594.76	669.32
188	Madison	194.37	714.38	908.75



<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teacher</u>	<u>Combined</u>
<u>Regular Schools</u>				
366	Mann - Stoddert Mann Stoddert	76.51	672.79	749.30
485	Maury	50.32	570.69	661.01
492	Merritt	100.46	646.27	746.73
910	Miner	76.03	530.07	606.10
649	Mott	79.33	575.80	655.13
598	Murch	84.23	681.82	766.05
1033	Nalle	60.50	439.36	499.86
306	Nichols Avenue	114.86	535.73	650.59
732	Noyes	66.18	425.77	491.95
1001	Orr - Randle Highlands Orr Randle Highlands Oyster - Military Road Oyster Military Road	54.67	397.62	452.29
376		85.48	576.56	662.04
775	Patterson	109.90	560.62	670.52
705	Payne	87.54	562.72	650.26
518	Petworth	87.04	567.38	654.42
1009	Plummer	66.71	459.33	526.04
685	Powell and Powell Annex Powell Powell Annex	76.46	604.50	680.96
850	Richardson	86.28	565.31	651.59
479	River Terrace	101.05	639.97	741.02
1011	Rudolph	69.93	471.44	541.37
775	Shadd	87.24	554.21	641.45
553	Shepherd	90.33	595.43	685.76
742	Simmons - Perry Simmons Perry	75.09	504.41	579.50
1175	Simon	54.53	428.76	483.29
383	Slater - Langston Slater Langston	90.18	593.85	684.03
995	Smothers - Carver Smothers Carver	70.55	442.82	513.37



<u>Membership</u>	<u>School or Administrative Unit</u>	<u>Staff</u>	<u>Teacher</u>	<u>Combined</u>
	<u>Regular Schools</u>			
1361	Stanton and Annex	56.39	439.30	495.69
436	Sumner - Stevens	68.62	681.70	750.32
	Sumner			
	Stevens			
615	Syphax	77.98	468.73	546.71
582	Takoma	35.43	481.55	516.98
830	Thomas	75.65	521.32	596.97
439	Thomson	111.46	500.83	612.29
1012	Truesdell	84.65	537.06	621.71
892	Tyler	78.37	551.43	629.80
651	Van Ness	56.89	578.16	635.05
737	Walker-Jones	67.09	444.94	512.03
808	Watkins	85.13	479.41	564.54
766	Weatherless	50.26	219.56	269.82
885	Webb	74.61	506.93	581.54
516	West	95.94	550.94	646.88
933	Wheatley	88.62	625.87	714.49
1155	Whittier	66.22	462.61	528.83
920	Wilson	55.69	471.90	527.59
522	Woodridge	90.49	619.19	709.68
1150	Young	69.08	475.12	544.20
69497		\$73.31	\$505.24	\$578.55
	Total Regular Schools			
	<u>Community Schools</u>			
533	Adams	87.38	467.94	555.32
595	Morgan and Morgan Annex	46.85	566.28	613.13
	Morgan			
	Morgan Annex			
1128	Total Community Schools	\$66.00	\$519.81	\$585.81





IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al., :

Plaintiffs, :

v. :

Civil Action No. 82-66

CARL F. HANSEN, et al., :

Defendants.:

SUPPLEMENTAL SUBMISSION BY DEFENDANTS

Pursuant to the statement contained in the Affidavit of Benjamin J. Henley filed herein on August 10, 1970, the defendants submit herewith the appended supplemental information for the Court's consideration.

/s/ Hubert B. Pair  
HUBERT B. PAIR  
Acting Corporation Counsel, D.C.

/s/ John A. Farnest  
JOHN A. FARNEST  
Assistant Corporation Counsel, D.C.

/s/ Matthew J. Mullaney  
MATTHEW J. MULLANEY  
Assistant Corporation Counsel, D.C.

/s/ Thomas R. Nedrich  
THOMAS R. NEDRICH  
Assistant Corporation Counsel, D.C.  
Attorneys for Defendants  
District Building  
Washington, D.C. 20004  
629-4895



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al., :

Plaintiffs, :

v. :

Civil Action No. 82-66

CARL F. HANSEN, et al., :

Defendants. :

SUPPLEMENTAL AFFIDAVIT OF BENJAMIN J. HENLEY

DISTRICT OF COLUMBIA,

Benjamin J. Henley being duly sworn on oath, deposes and says that he is the Acting Superintendent of the District of Columbia Public School System; and that as such official he submits this Supplemental Affidavit for the Court's consideration.

PART III

Plaintiffs have charged that the Board of Education and the school administration "have violated two principal portions of the Court's prior opinions and decree based on data they themselves have supplied."

- I. a. They "have failed to equalize educational resources in District of Columbia elementary schools in contravention of this Court's holding that 'the minimum the Constitution will require and guarantee is that for their objectively measurable aspects these schools be run on the basis of real equality, at least unless any inequalities are adequately justified'"
- b. They "have violated this Court's permanent injunction against discrimination on the basis of 'economic status in the operation of the District of Columbia public school system.'"

- II. On the basis of the aforementioned evidence of non-compliance with the Court's prior opinion and decree, plaintiffs moved "that this court order the defendants to equalize per pupil expenditures in the District of Columbia elementary schools as follows: ..... shall not deviate by more than 5% from the average per pupil expenditure for all elementary schools in the District of Columbia school system."

The District of Columbia school system has moved to equalize educational opportunities for children by:

1. Reducing overcrowding since October, 1966, based on a 30:1 ratio
2. Improving faculty integration
3. Improving the quality of the system's teachers
4. Creating new educational opportunities for pupils



## OVERCROWDING HAS BEEN REDUCED

Serious problems of overcrowding in October of 1965 indicated a dire need for instructional space which had to be provided as quickly as possible through varied strategies.

### School Construction

In August, 1966, the Board of Education adopted the following priorities with reference to the Public Schools' Building Program:

#### Priority I

##### The elimination of overcrowding

The criteria for overcrowding is the excess of pupil membership over the capacity of the building at the 30:1 pupil/teacher ratio in an area for elementary schools. In the secondary schools the ratio of 25:1 is used.

#### Priority II

The replacement of inadequate school structures that cannot be suitably and economically modified in accordance with current educational criteria.

#### Priority III

The modernization of existing school structures which can be suitably and economically modified.

#### Priority IV

The provision of the additional seats needed to reach the 25-pupil maximum class size standard adopted by the Board of Education on April 20, 1966.

Subsequently, these priorities were modified in an action taken by the Board of Education on March 31, 1969. The sense of this action was that Area 9 and 14 had highest priority for elementary schools, Area 7 for junior high schools, and Area 5 for senior high schools. (All of these are the Anacostia area schools.)

The Department of Buildings and Grounds embarked on a dual program, constructing both permanent structures and relocatable units. This construction program brought maximum relief systematically on a priority basis to the areas of greatest need. The Capital Outlay funds provided for school construction are not reflected in the per pupil expenditures.





In the far Southeast, additional space for approximately 3,000 children has been provided through the construction of the Green, McGogney, and the Savoy Schools, and the Beers Addition. Facilities have been provided for over 3,400 youngsters in the far Southeast through erection of 115 relocatable units. This indicates an increased capacity for over 7,000 elementary school children in the Southeast area since October 1965.

Specific gains in this geographic area may be observed in the effective reduction of overcrowding; e.g., Green's percentage of enrollment/capacity was 149.6 in October, 1965. As of June 1970, the ratio is 81.3. Similar attacks on overcrowding have been effective at Simon, where the percentage of enrollment/capacity was decreased from 128.1 to 113.6 and at Stanton, where 128.9 was brought to 116.4 by June 1970.

In September or shortly thereafter, additional new classrooms will be available. In the Southeast the new Leckie and Congress Heights Schools will be ready for occupancy while in the Northeast, the new Weatherless School will be ready for occupancy.



#### Some Effects in Northwest

The new Tubman School contributed to the decrease in overcrowding at Raymond (from 129.5 to 93.8), Bruce (from 111.8 to 72.0), and Monroe (from 141.4 to 83.1). Bancroft's enrollment/capacity ratio was reduced from 130.3 to 93.8 through use of demountables; construction of a new addition at Shepherd brought the enrollment/capacity ratio from 114.9 to 83.0.

#### Some Effects in Northeast

Positive gains accrued from construction of modern replacements for antiquated, inadequate facilities. Emery's enrollment/capacity ratio of 148.4 dropped to 97.2 after occupancy of the new building. In 1965, the enrollment/capacity ratio was 125.9 at the old Blow School, and 142.5 at the old Pierce. The new Blow replacement has made possible a ratio of 66.8 as of June 1970. 1965's ratios at Blair (111.3), Ludlow (84.5), and Taylor (127.9) have been effectively scaled down to 66.8 with the opening of the new Blair-Ludlow-Taylor.

The philosophy of the "neighborhood school" had to be modified when the reality of unused available space was faced forthrightly. The continuance of empty classrooms and/or classrooms with meager enrollments would have been intolerable in the light of emergency situations elsewhere. Furnishing transportation for volunteering children was the only strategy possible for placing children where instructional space was already available.

It should be noted that bussing was utilized from overcrowded schools East of Rock Creek Park to undercapacity schools both East and West of the park. The only criteria were the availability of space and the number of children whose parents voluntarily participated in this endeavor.

Specific examples give some idea of the improved educational opportunities created through bussing. With maximum use of schools, rented space and demountables, enrollment capacity ratios would have



remained untenable without transporting children from such schools as Hendley (where the 116.6 ratio was decreased to 100.1) and Moten (where the 146.1 ratio dropped to 113.8). The opening of two additions to Moten will ensure accommodation for the full projected enrollment in September 1970.

Ketcham's ratio without bussing (160.4) was reduced to 148.5 through voluntary transportation. This ratio will be decreased effectively with the opening of the two new additions in September 1970.

Kimball's enrollment/capacity ratio without bussing (131.8) was reduced to 126.7. This ratio will be slashed dramatically with the opening of the new Weatherless School in September 1970.

Since our initial efforts in bussing during 1966, when only 480 children were re-located for instruction, increased provision of transportation resulted in effective utilization of satisfactory educational environments for 1702 youngsters, at its peak in January, 1970. This number has since decreased to 1610, as of June, 1970.

It should be emphasized that twelve schools West of Rock Creek Park and eleven schools East of the park receive children who are transported. Of all the receiving schools, only two reached an enrollment/capacity with a ratio which exceeds 100.0. Stanton with 116.4 and Murch with 105.7.

#### Removal of Offices

Another procedure which has released space for classroom instruction has been the removal of offices from elementary school buildings. Children now benefit from space made available in four elementary schools: Bowen, Eaton, Fillmore, and Hyde.

#### Concomitant Benefits

##### Teacher-Pupil Ratios

Reduction of overcrowding in elementary schools may be misinterpreted as a mere transfer of children, accounted for by statistical data. However, reduction of overcrowding has produced rich benefits; the primary one is the reduction in teacher-pupil ratios, which maximizes opportunities for optimum teaching and learning.

In 1966 there were eleven (11) far Southeast schools which presented serious problems of overcrowding. By school construction, use of re-locatables, boundary changes and bussing, the pupil-teacher ratio in the far Southeast has averaged reduction from approximately 34:1 in 1966 to 28:1 at the end of the 1969-1970 school year.





Specific examples:

	Teacher-Pupil Ratios With Bussing 1967	Teacher-Pupil Ratios With Bussing 1970
Orr	34:1	27:1
Hendley	35:1	26:1
Ketcham	29:1	23:1

Without bussing, a well-planned construction program, and use of demountables, some of the Southeast schools would be as much as 160 per cent of capacity.

Elimination of Double Shifts

Another positive benefit from the reduction in overcrowding is the complete elimination of double shifts. In 1965 there were 3,399 pupils on part-time instruction; 669 youngsters in 1968. In September of 1969, 445 children were receiving part-time instruction while demountables were being erected. With the completion and occupancy of these demountables, all double shifts were completely eliminated. In order to eliminate part-time instruction and to offer equal opportunities to all children, every available space was used: auditoriums, special rooms, demountables, churches, and other rented space.

We do not anticipate any part-time instruction for the school year 1970-71.

Faculty Integration has been Improved

In July, 1967, the Board of Education adopted as policy the statement entitled "Point of View" (Vol. 1). With regard to personnel, the Board of Education stated "The Board endorses the concept of maximum racial integration of teaching staffs. Appointments, promotions, and ratings of the officers and employees of the Board, moreover, shall be predicated solely on merit and not upon race or color."

Beginning with November, 1967, at roughly two-week intervals, the administration received reports on the racial composition of faculties. A study of the early reports led to the conclusion that a practical standard for measuring results of efforts to achieve racial balance should be established.

It was finally decided that the proportion of Negro to white teachers in the school system on October 19, 1967, would furnish a useful guide. On that date, Negroes constituted 85.0% of the faculties in the elementary schools, 77.2% of the junior high schools, and 63.0% in the senior high schools. It was felt that any school within ten percent of the figure at its school level, either above or below, would not present



any immediate problem of unbalance. Any school with a proportion of Negro teachers ten percent or more below this percentage level should be considered a target for assignment of white teachers only, until such time as it reached the non-target area. The non-target areas thus ranged from 75.0% to 94.0% in the elementary schools, 67.2% to 86.2% in the junior high schools; and 53.0% to 72.0% in the senior high schools.

#### Assignment of Teachers

To implement the policy, teachers were asked to voluntarily transfer to schools designated as black or white target schools. (For discussion on how target schools were established, see Book III., Implementation of the Wright Decree.)

Itinerant teachers as well as teachers entering the system were assigned on a color-conscious basis.

As of June 1970, no school faculty consisted of all white personnel, and the number of schools with all Negro personnel had been reduced from 24 in November 1967, to 7 in June 1970. This number will be reduced even further to 5 as the result of assignments to become effective in September. No Negro teachers have been assigned to vacancies in Black target schools for September, 1970.

As a result of the color-conscious assignment of teachers, a survey in June 1970 shows that 31 schools have been moved into the non-target category.

In addition to the assignment of teachers, efforts were made to recruit personnel who could be assigned to target schools as designated.

As of July 10, 1970, 70 teachers had been appointed to elementary schools -- 40 Negro and 39 white for the year 1970-71. These teachers have been assigned as follows:

White to white target schools:	Aiton, Blow, Burrville,
(15)	Carver, Cook, Davis, Drew,
	Gibbs, Harris, Houston,
	Kenilworth, Merritt, Richard-
	son, Shadd, Thomas

Negro to Black target schools:	Barnard, Beers, Brent,
(14)	Brightwood, Eaton, Janney,
	Keene, Key, Lafayette, Mann,
	Murch, Shepherd, Stoddert,
	Takoma

50 were assigned to non-target schools



## TEACHER QUALITY HAS IMPROVED

In the Findings of Fact, the Court said, "Teacher salary is an index summarizing several factors: years of experience, graduate degrees; permanent/temporary status." (p. 438, Federal Supplement) In the same paragraph the Court states, "To a great extent, however, defendants' own evidence verifies that the comparative per pupil figures do refer to actual educational advantages in the high-cost schools, especially with respect to the caliber of the teaching staff."

This section deals with the steps taken by the school system to improve the quality of teacher assigned to the, then, low cost schools.

### Recruitment

A year-round recruitment program was initiated for the 1970 Fiscal Year. This program was developed to secure recent college graduates, experienced teachers and more Master's degree teachers for high school placement. In addition to the regular school year recruitment program at colleges and universities, visits are made during the summer months to Graduates Schools of Education specializing in Urban Programs, in order to recruit qualified Master's degree teachers, and to large metropolitan districts for the purpose of recruiting the more experience type teacher interested in relocating.

A 48-50 State recruitment program has been initiated in order to recruit qualified professional staff to begin working in September. Forty-six cities have been visited.

Coordinated activities have been conducted with national educational programs i.e., Health, Education, and Welfare, Teacher Corps, Labor Department, Professional Division, Defense Department of Military Department School programs, and other national agencies for the purpose of securing experienced, well-qualified personnel.

Only teachers who qualified for probationary appointments were recruited in the 1970 recruitment program. It is expected that there will be twice as many new white teachers in the schools in 1970-71 than in previous years. These factors will increase the availability of persons to increase the integration capacity of the system, as well as to provide more qualified and experienced personnel for the classrooms.







An experienced and professional trained recruitment staff, along with a surplus of available teachers should enable the Personnel Department to be even more selective in next year's recruitment program.

#### Teacher Status

A significant shift has occurred in the composition of our teachers in service in the past two years. Two major factors are partly responsible for this shift:

1. The overall increase in the number of teaching positions.
2. Board of Education policy establishing optional procedures for entering probationary status.

Under the policy established by the Board of Education on May 23, 1966, temporary teachers who met the general and College degree requirements, but who did not meet probationary requirements, could enter into the probationary-under-contract status. The teacher must then complete the remaining requirements within the two-year probationary period. Over 1,000 teachers have signed contracts.

In October 1967, 2,756, or 38.8 percent of the TSA 15 personnel were permanent. In October 1969, 3,872, or 49.7 percent, were permanent. In the 1965-66 school year, the school system reached an all time high of 2,636 (43.2 percent) teachers who were temporary. This number has steadily decreased to 1,733 (22.3 percent) in October 1969. (See Chart Tenure Status of Teachers in Service)



The number of temporary teachers has decreased despite the fact that the number of teachers in the school system has increased by more than 1,400 teachers:

	Number Permanent	Number Probationary	Number Temporary
Nov. 1966	2,867	1,313	2,165
Oct. 1967	2,756	2,428	1,929
Oct. 1968	2,829	2,845	2,075
Oct. 1969	3,872	2,177	1,733

The effect of the tenure of teachers can be seen on the building level. Specifically, Drew Elementary is in the \$5,150 median family income tract. The status of teachers is reflected thusly:

	Permanent	Probationary	Temporary	Total
October 1966	8	2	24	34
October 1970	30	4	6	40

Emery is in the \$5,173 median income bracket. The status of teachers is as follows:

October 1966	12	1	13	26
October 1970	28	13	4	45

Hendley is in the \$6,386 median income bracket. The status of assigned teachers is:

October 1966	18	2	12	32
October 1970	21	8	6	35

Obvious in the above statistics is the fact that, despite the increase in the number of teachers assigned to these schools, the number of temporary teachers has been significantly reduced and the number of permanent teachers has dramatically increased.

GRADUATE DEGREES FROM DEGREES HELD BY TEACHERS - OCTOBER 16, 1969

There are more than 4,250 elementary teachers in the school system. Only 6 permanent and 95 temporary teachers were without degrees in October, 1969. There were 22 permanent and 120 temporary elementary teachers without degrees in October 1966. This represents a reduction of 41 teachers without degrees.

Of the 2,186 permanent elementary teachers, 1,688 have Bachelors degrees, 373 have Masters Degrees, 129 have the Masters degree plus 30



and 6 have Doctors degrees or Masters plus 60. In schools of comparable faculties, there appears to be no appreciable difference in the number of degrees held by teachers in schools East and West of the Park:

	Number of Teachers	Number with no Degree	Number with Bachelors	Number with Masters	Number with Masters +30	Number with Doctors or Masters +60
Fillmore (W)	8	1	6	1	-	-
Langston (E)	8	0	7	1	-	-
Edmonds (E)	8	0	6	1	1	-
Stoddert (W)	8	0	6	2	-	-
Taylor (E)	8	0	7	1	-	-
Janney (W)	24	-	22	2	-	-
Petworth (E)	24	-	17	4	3	-

It should be noted here that all of the teachers (6) with Doctorate degrees or Masters degrees plus 60 are assigned to schools East of the Park. It should be noted that, because of the size of the schools to which these teachers are assigned, the number of advanced degrees has had a negligible effect upon the per pupil expenditure of these schools:

School	Size of Faculty	Number with Doctors Degrees	Reg. Exp. per-pupil	Total-per pupil Expenditure
Aiton	43	1	577.44	\$587.21
Beers	40	1	595.91	623.56
Davis & Ann.	54	1	490.96	501.28
Goding	34	1	595.63	639.14
LaSalle	44	2	625.19	627.27

The survey shows that there were 45 more teachers in the elementary schools with Master's degrees or above in October, 1970 than in October, 1966. (See report Degrees Held by Teachers)





## OPPORTUNITIES FOR EDUCATION HAVE BEEN EQUALIZED

Increased kindergarten and pre-kindergarten opportunities have been made available to larger numbers of children and waiting lists have been reduced to a minimum.

Five hundred fifty three children were on the kindergarten waiting list in 1966. As of June 4, 1970 this number had been reduced to 54. The number of children attending kindergarten as of March, 1970 was 11,083.

In order to provide the space for pre-kindergarten children, the Board of Education approved the purchase of 75 demountable classrooms. The location of these demountables is listed in the March 18, 1970, report to the Board of Education, Book I, Part II, Section 3. Records indicate that as of March, 1970, 2,339 Pre-kindergarten children were enrolled, of which only 14 pupils were West of the Park.

On August 1, 1969, the Board of Education approved a report on textbooks which was designed to reduce the differences in their distribution. Through transfer, over 7,000 books were distributed to schools needing books. The cost of these books is represented in the per pupil expenditures of the school from which books were transferred.

Important, though, is the fact that the procedure designed and indicated in the report will result in the administration's ability to maintain control over the number of books in the system, the distribution of these books, the relevancy of these books (multi-ethnic), and the replacement of books.

In addition, on September 17, 1969 the Board approved a policy which was designed to strengthen the system's ability to control the distribution of library resources, equipment, and course offerings. This too, should result in reducing the differences in the distribution of resources.

The Board of Education and School administration have expanded special educational opportunities for students. Reports on these special programs may be found in Book I, Part II.



Plaintiffs have requested that the Court require the public school system to equalize per pupil expenditures in individual schools within a 5% range of the city median.

Inasmuch as the chief item in school costs is the cost of personnel, the request of the plaintiffs really means that the school system will be required to shift personnel, primarily teachers, in such a manner that the range required can be achieved.

The Board of Education has concluded a contract with the Washington Teachers Union Article IV, Section C, which reads as follows:

C. The procedure for administering transfer requests will be as follows:

1. Lists of vacancies, to the extent known, shall be prepared and made available by April 15 each year. Teachers will submit requests for transfers by May 15 of each year. Notification and publication of lists of teachers being transferred will be available by at least 10 days before the last day of school. Vacancies will be filled first from transfer lists. Time limits may be extended by mutual agreement. The Union shall receive a copy of all transfer actions.

2. The teacher desiring a transfer shall list a minimum of 2, a maximum of 6, schools, in order of preference, indicating the basic reason for transfer.

3. The teacher will submit the request for transfer in writing to the Assistant Superintendent - Personnel, and will simultaneously send an information copy to the present school principal, or in the case of an itinerant teacher, to his immediate superior. After review of certification eligibility, the request will be forwarded to the appropriate Assistant Superintendent. The teacher whose transfer request is not granted shall be notified in writing with the basic reason specified.

4. When a transfer is granted, at the request of the teacher, that teacher shall be ineligible to request another transfer within 3 years. A teacher, who rejects a transfer to any school he has indicated as one of his choices, will not be permitted in the following year to apply again for transfer.

5. In the case where more than one teacher indicates the same choice of school, preference shall be given the teacher with the greatest number of years of teaching service in the D. C. Public Schools. In the case of teachers with an equal number of years of teaching service in the school system, the selection shall be determined by the length of service in the current school.

6. When a new school is opened, the staff shall be selected after consultation between the Board and the Union.



7. In every case, the employee to be transferred must meet the certification requirements for the position prior to the transfer.

D. Transfers for any reasons, which the Board deems necessary for the best interest of all parties concerned, shall be made only after consultation and full discussion with appropriate Union representatives. The teacher involved and the Union shall be given timely notice in writing regarding intent to transfer under paragraph D.

E. Excerpt as provided in paragraph D, when a transfer is made, other than at the request of the teacher, the teacher involved shall not be transferred again for a two-year period.

The shifts in teaching personnel, then, which would be required to meet the request of the plaintiffs would breach the contract which has been effected with the Washington Teachers Union.

Moreover, such shifts would disrupt building personnel to such an extent that educational programs would suffer at the very time when the school system is implementing Dr. Kenneth Clark's report, adopted by the Board of Education on July 13, 1970, entitled A Possible Reality, a Design for the attainment of High Academic Achievement for the Students of the Public Elementary and Junior High Schools of Washington, D. C.

Further, assuming that the system is ordered to equalize per pupil expenditures on a school-by-school basis, there would still be serious inequities (based on the plaintiffs argument) on a class-by-class basis. For example, two fourth grade classes of 25 pupils each, could be side by side in a building. If one is taught by a teacher at the top of the salary scale (\$16,100) and the other at the first step (\$7,800), the per pupil expenditure on the basis of teacher's salary alone in the first instance is \$644 and in the second, \$312. This example illustrates the difficulty encountered in attempting to equalize on the basis of major personnel transfers.

Since, the public school system has taken steps to address itself to the problem by reducing overcrowding as indicated above, by improving faculty integration, by improving teacher quality and by equalizing







educational opportunities, the public school system prays that the Court will deny the request of the plaintiffs and permit the defendants to continue its procedures for equalizing educational opportunities for all children.

*Benjamin J. Henley*  
BENJAMIN J. HENLEY  
Acting Superintendent of Schools, D.C.

Sworn and subscribed to before me this 12th day of August, 1970

*Eleanor McDonald*  
NOTARY PUBLIC, D.C.

My Commission Expires September 1, 1974



IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Hobson, et al. :  
v. : No. 82-66  
Hansen, et al. :

REPLY OF PLAINTIFFS TO DEFENDANTS' MOTION  
TO AMEND CERTAIN ORDERS OF THE COURT.

1. Plaintiffs respectfully suggest that nothing in defendants' motion would support an amendment to that part of this court's order of September 1, 1970 which directs that on or before September 28, 1970 defendants indicate by memorandum why:

busing of pupils from low-income area, overwhelmingly black, overcrowded schools in the District to high-income area, whiter and underpopulated schools would not eliminate unnecessary differences in per-pupil expenditures relating to over- and undercrowding, which defendants concede to be one of the causes of the lingering and spectacular inequality in overall per-pupil expenditures.

This court's order of September 1, 1970 contemplated that overcrowding data for the 1970-71 school year would be filed on October 5, 1970, after defendants' September 28, 1970 reply to that portion of the show cause order dealing with that point. If the data due to be filed on October 5, 1970 radically affect the conclusions drawn in defendants' September 28, 1970 response, an amendment to that response is more appropriate than further delay.

2. Plaintiffs further respectfully suggest that nothing in defendants' motion would support an amendment to that part of this court's order of September 1, 1970 which directs that on or before September 28, 1970, defendants indicate by memorandum why:



the school board should not devise a plan to equalize within a five percent variation expenditures for teaching costs out of regular funds among all District of Columbia elementary schools for the 1971 fiscal year.

This court's order of September 1, 1970 contemplated that the information requested on per-pupil expenditures for teacher services would be filed on October 5, 1970, after defendants' September 28, 1970 reply to that portion of the show cause order dealing with that point. Plaintiffs respectfully suggest that defendants' time for filing 1970-1971 data on per-pupil expenditures for teacher services be extended to November 2, 1970.

There is no need to extend the time beyond November 2, 1970 in view of the fact that the last statistics necessary to compile this data will be ready by October 22, 1970. If the data due to be filed on or before November 2, 1970 radically affect the conclusions drawn in defendants' September 28, 1970 response, an amendment to that response is more appropriate than further delay.

3. With respect to 1970 census data on median family income, plaintiffs respectfully request that this court endeavor to see if there is some way by which these statistics can be obtained on an expedited basis earlier than "early in 1971". This court may take judicial notice of newspaper stories in the Washington press to the effect that the 1970 census figures on total Washington, D.C. population have now been compiled and submitted to Mayor Washington.

Respectfully submitted,



---

Peter F. Rousselot  
815 Connecticut Avenue  
Washington, D.C. 20006

Of Counsel:

Ralph J. Temple  
American Civil Liberties  
Union Fund  
1424 16th Street, N.W.  
Washington, D.C. 20036

Of Counsel:

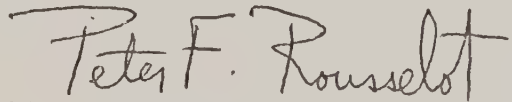
David L. Kirp  
Center for Law and Education  
Harvard University  
24 Garden Street  
Cambridge, Massachusetts 02138





Certificate of Service

I, Peter F. Rousselot, hereby certify that a copy of the foregoing Reply of Plaintiffs to Defendants' Motion to Amend Certain Orders of the Court, was sent by first class mail, postage prepaid, this 22nd day of September, 1970, to Hubert B. Pair, Acting Corporation Counsel, D.C., attorney for defendants, District Building, Washington, D.C. 20004; John A. Blevens, Washington Lawyers' Committee for Civil Rights Under Law, 1025 15th Street, N.W., Washington, D.C. 20005, attorney for intervenors Elizabeth A. Budd, et al.; Don R. Allen, 1775 K Street, N.W., Washington, D.C. 20006, attorney for intervenors Mr. and Mrs. William Bennett; and to Stephen B. Ives, Jr., 1320 19th Street, N.W., Washington, D.C. 20036, attorney for intervenors Richard T. Stout, et al.



Peter F. Rousselot



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al., :

Plaintiffs. :

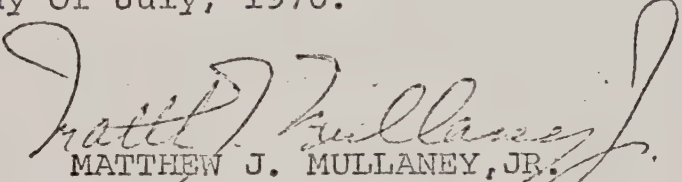
v. : Civil Action No. 82-66

CARL F. HANSEN, et al., :

Defendants. :

CERTIFICATE OF SERVICE

I hereby certify that a copy of Motion of Defendants to Vacate the Decree and Dismiss the Complaint; Opposition of Defendants to Plaintiff Hobson's Amended Motion for Further Relief and Enforcement of Decree ; and memorandum of points and authorities in support of both were mailed, postage prepaid, to Donald R. Allen, Esq., Attorney for Intervenor Bennett, 1200 Tower Building, Washington, D.C. 20005; Peter F. Rousselot, Esq., Attorney for Movant Hobson, 815 Connecticut Avenue, N.W., Washington, D.C. 20006 and to Joseph M. Hannon, Esq., Assistant United States Attorney, United States Courthouse, Washington, D.C. 20001, this 6th day of July, 1970.

  
MATTHEW J. MULLANEY, JR.  
Assistant Corporation Counsel, D.C.  
Attorney for Defendants  
District Building  
Washington, D.C. 20004



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al., :

Plaintiffs :

v. :

Civil Action No. 82-66

CARL F. HANSEN, et al., :

Defendants. :

ERRATA SHEET TO ACCOMPANY LITIGANTS' MOTION TO DISMISS  
IN THE COURT

Page 8, line 17: change "patrons" to "parents."

Page 9, line 7: change "effected" to "effected."

Page 9, line 10: add the word "it" after the word "therefore,".

Page 9, line 23: change "disperced" to "disperced."

Page 10, line 7: change "have" to "has."

Page 10, line 10: should read "addition to the Motion which  
will house 522 students is completed in January, 1972 the"

Page 10, line 23: change "We" to "Defendants."

Page 11, line 2: change "scutal" to "actual."

Page 11, line 19: should read "be moved to Congress Heights.  
to assist in relieving this overcrowding."

Page 12, lines 29-30: remove the sentence "This cost is re-  
flected in the \$1.90 per pupil, per day bussing expenditure"  
and, add "Teachers' aide costs for fiscal 1971 are re-  
flected in the projected \$1.90 per pupil, per day bussing  
expenditure."

Page 14, line 3: after the word "bus" add "each way."

Page 15, line 6: add the word "a" between "of" and "new."

Page 15, line 23: change "equalize" to "equal."

Page 22, last line of asterisked paragraph: should read  
"\$9,750, or \$10,000 plus \$10,000 plus \$10,000 plus \$5,000  
divided by 4."

Page 22, 2nd line from bottom of page: after "average" add  
"expenditure per pupil is \$495 for fiscal 1971."





Page 31, line 21: change "States" to "states."

Page 37, line 31: change "experience" to "expenditures."

/s/ C. Francis Murphy  
C. FRANCIS MURPHY  
Acting Corporation Counsel, D.C.

/s/ John A. Earnest  
JOHN A. EARNEST  
Assistant Corporation Counsel, D.C.

/s/ Matthew J. Hallanay, Jr.  
MATTHEW J. HALLANAY, JR.  
Assistant Corporation Counsel, D.C.

/s/ Thomas R. Hedrich  
THOMAS R. HEDRICH  
Assistant Corporation Counsel, D.C.  
Attorneys for Defendants  
District Building  
Washington, D. C. 20004

CERTIFICATE OF SERVICE

I hereby certify that a copy of Errata Sheet To Accompany Defendants' Memorandum To The Court was mailed, postage pre-paid, to the attorneys for plaintiffs, intervenors, or movants at the addresses of record in this civil action, this 26th day of November, 1970.

Assistant Corporation Counsel, D.C.  
Attorney for Defendants  
District Building  
Washington, D. C. 20004



57

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Hobson, et al. :  
v. : No. 82-66  
Hansen, et al. :

MOTION TO PRODUCE ADDITIONAL INFORMATION

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiffs respectfully move that this Court order defendants to serve on plaintiffs and file with the clerk of this Court on or before August 28, 1970, the following tables of data from the 1970 fiscal year:

- (1) For each elementary school in the District of Columbia, list the dollar amount of total regular budget expenditures, as reported on August 10, 1970 in answer to category (4) of this Court's order of July 16, 1970, spent for custodial, maintenance, and heating costs,
- (2) For each elementary school in the District of Columbia, list the dollar amount of total regular budget expenditures, as reported on August 10, 1970 in answer to category (4) of this Court's order of July 16, 1970, spent for non-instructional administrative costs,
- (3) For each elementary school in the District of Columbia, list the dollar amount of total regular budget expenditures, as reported on August 10, 1970 in answer to category (4) of this Court's order of July 16, 1970, spent to repair damage due to vandalism.
- (4) For each elementary school in the District of Columbia, list the dollar amount of total regular budget expenditures, as reported on August 10, 1970 in answer to category (4) of this Court's order of July 16, 1970, spent on compensatory or special projects for educationally deprived pupils.

Warren  
293-1914



- (5) For each elementary school in the District of Columbia, list the dollar amount of total regular budget expenditures, as reported on August 10, 1970 in answer to category (4) of this Court's order of July 16, 1970, spent on provision of special educational projects or services for the mentally retarded or physically handicapped.
- (6) For each elementary school in the District of Columbia, list the total dollar amount of expenditures in answer to categories (1)-(5) above.
- (7) For each elementary school in the District of Columbia, list the dollar amount of total regular budget expenditures, as reported August 10, 1970 in answer to category (4) of this Court's order of July 16, 1970, spent on teacher costs, including substitute teacher costs.
- (8) For each elementary school in the District of Columbia, list the enrollment capacity, actual enrollment, and per cent over-or under-enrolled.
- (9) For each elementary school in the District of Columbia, list the number of permanent teachers and the number of temporary teachers separately.
- (10) List and define each category of items, such as textbooks or teachers' salaries, purchased for District of Columbia elementary schools with regular budget funds, and for each item, give the percentage of per pupil expenditures from those funds accounted for by that item.
- (11) For each of the 20 elementary schools which ranked the highest in per pupil expenditures from the regular budget in fiscal year 1970, list the average daily membership for that school in each of the last five fiscal years.

WHEREFORE, for the reasons stated in the attached Memorandum of Points and Authorities incorporated herein by reference, plaintiffs respectfully move that this Court order the production of the aforementioned additional information.

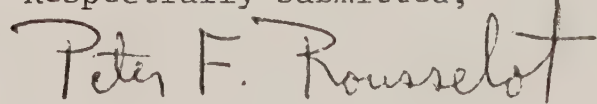
Of Counsel:

Ralph J. Temple  
American Civil Liberties  
Union Fund  
1424 16th Street, N.W.  
Washington, D.C. 20036

Of Counsel:

David L. Kirp  
Center for Law and Education  
Harvard University  
24 Garden Street  
Cambridge, Massachusetts 02138

Respectfully submitted,



Peter F. Rousselot  
815 Connecticut Avenue  
Washington, D.C. 20006

Attorney for Plaintiffs





37

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Hobson, et al. :  
v. : No. 82-66  
Hansen, et al. :

MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF MOTION TO PRODUCE  
ADDITIONAL INFORMATION

The information sought in the foregoing motion is necessary in order for plaintiffs to properly respond to defendants' exhibits filed on August 10, 1970, as supplemented.

Although Rule 34 of the Federal Rules of Civil Procedure, effective July 1, 1970, contemplates that requests for such information be handled initially solely between the parties, plaintiffs respectfully request that this Court order the production of the information sought in the foregoing Motion because of the past difficulty of obtaining such information without Court order.

Plaintiffs further respectfully request that if this Court orders defendants to produce the information sought in the foregoing Motion by August 28, 1970, that plaintiffs' time for filing the memorandum referred to in this Court's order of August 12, 1970 be extended to September 21, 1970, and that defendants' time to respond to plaintiffs' memorandum be extended to October 12, 1970.

Of Counsel:

Ralph J. Temple  
American Civil Liberties  
Union Fund  
1424 16th Street, N.W.  
Washington, D.C. 20036

Of Counsel:

David L. Kirp  
Center for Law and Education  
24 Garden Street  
Cambridge, Massachusetts 02138

Respectfully submitted,

*Peter F. Rousselot*

Peter F. Rousselot  
815 Connecticut Avenue  
Washington, D.C. 20006

Attorney for Plaintiffs

McLaughlin

333-0080

Certificate of Service

I, Peter F. Rousselot, hereby certify that a copy of the foregoing Motion to Produce Additional Information, together with the Memorandum of Points and Authorities in support thereof, was sent by first class mail, postage pre-paid, this 17th day of August, 1970, to each member of defendant District of Columbia School Board, in care of Gertrude L. Williamson, Executive Secretary of that Board at 415 12th Street, N.W., Washington, D.C. 20004; defendant Acting Superintendent of Schools of the District of Columbia, at 415 12th Street, N.W., Washington, D.C. 20004; Hubert B. Pair, Acting Corporation Counsel, D.C., attorney for defendants, District Building, Washington, D.C. 20004; John A. Blevens, Washington Lawyers' Committee for Civil Rights Under Law, 1025 15th Street, N.W., Washington, D.C. 20005, attorney for intervenors Elizabeth A. Budd, et al.; and to Don R. Allen, 1200 Tower Building, Washington, D.C. 20005, attorney for intervenors Mr. and Mrs. William Bennett.

*Peter F. Rousselot*

---

Peter F. Rousselot



IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Hobson, et al. :  
v. : No. 82-66  
Hansen, et al. :

REPLY OF PLAINTIFFS TO DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' MOTION TO PRODUCE ADDITIONAL  
INFORMATION

---

Defendants' answers and affidavits filed in response to this Court's order of July 16, 1970 offer six alleged justifications for the wide disparities in per pupil expenditures from the regular budget in District of Columbia elementary schools in fiscal year 1970. Defendants offer highly selected data in support of some of their alleged justifications, none at all in support of others.

The six alleged justifications offered by defendants are:

1. There are significant differences in custodial, maintenance, and heating costs among the schools.
2. Administrative costs are greater per pupil in smaller than in larger schools.
3. Vandalism accounts for a portion of the cost differential.
4. Over-and under-crowding account for cost disparities.
5. Regular budget funds are used to provide compensatory services for educationally deprived pupils; for the mentally retarded; and for the physically handicapped.
6. Teacher salary differentials account for a portion of the cost disparities.





The information requested in each of the 11 items in plaintiffs' motion to produce additional information, filed August 17, 1970, is necessary to evaluate these six alleged justifications as follows:

<u>Defendants' Alleged Justification No.</u>	<u>Plaintiffs' Motion to Produce Additional Information Item No.</u>
1	1
2	2
3	3
4	8, 11
5	4, 5
6	7, 9

The information requested in items 6 and 10 of plaintiffs' motion to produce additional information also relates to the relative importance in dollar and percentage terms of defendants' alleged justifications numbers 1-3; 5-6.

WHEREFORE, plaintiffs respectfully request that this Court order defendants to produce the information requested in plaintiffs' aforementioned Motion of August 17, 1970.

Respectfully submitted,



Peter F. Rousselot  
815 Connecticut Avenue  
Washington, D.C. 20006

Attorney for Plaintiffs

Of Counsel:

Ralph J. Temple  
American Civil Liberties  
Union Fund  
1424 16th Street, N.W.  
Washington, D.C. 20036

Of Counsel:

David L. Kirp  
Center for Law and Education  
Harvard University  
24 Garden Street  
Cambridge, Massachusetts 02138



Certificate of Service

I, Peter F. Rousselot, hereby certify that a copy of the foregoing Reply of Plaintiffs to Defendants' Opposition to Plaintiffs' Motion to Produce Additional Information was sent by hand this 25th day of August, 1970, to Thomas R. Nedrich, Assistant Corporation Counsel, D.C., an attorney for defendants, and was also sent this day by first class mail, postage prepaid, to each member of defendant District of Columbia School Board, in care of Gertrude L. Williamson, Executive Secretary of that Board at 415 12th Street, N.W., Washington, D.C. 20004; defendant Acting Superintendent of Schools of the District of Columbia, at 415 12th Street, N.W., Washington, D.C. 20004; Hubert B. Pair, Acting Corporation Counsel, D.C., attorney for defendants, District Building, Washington, D.C. 20004; John A. Bleveans, Washington Lawyers' Committee for Civil Rights Under Law, 1025 15th Street, N.W., Washington, D.C. 20005, attorney for intervenors Elizabeth A. Budd, et al.; and to Don R. Allen, 1200 Tower Building, Washington, D.C. 20005, attorney for intervenors Mr. and Mrs. William Bennett.



---

Peter F. Rousselot



JULIUS HOBSON, et al.,  
Plaintiffs,

RICHARD T. STOUT, et al.,  
Movants,

V.

CARL F. HANSEN, et al.,  
Defendants.

MEMORANDUM OF MOVANTS, RICHARD T. STOUT, ET AL.,  
IN SUPPORT OF MOTION TO ENFORCE DECREE

On June 17, 1970, the Acting School Superintendent, responding to a Board of Education request, recommended a "cluster" plan for certain of the District's elementary schools and junior high schools. The plan provided that graduates of a group of elementary schools would be clustered under, i.e., would attend, the same junior high school.





As part of this plan, the Acting Superintendent recommended that Horace Mann and Phoebe Hearst Elementary Schools be clustered under Gordon Junior High School, located in the Southern portion of Washington's Northwest, west of Rock Creek Park. All of the Mann and the larger part of the Hearst districts had been in the Gordon area since 1968 when the Board redrew the boundary lines to carry out this Court's Order of June 19, 1967.

On July 1, 1970, the Board adopted the cluster plan presented by the Acting Superintendent, but with one major change: it took Mann and Hearst from the Gordon cluster and put them in the Alice Deal Junior High School, located in the upper area West of the Park. Movants, Gordon parents, challenge both the motivation and effect of this transfer. Four of them, moreover, live in the Hearst area and still have children in elementary school. (Malone Affid. para. 1). They bring this motion because they wish to preserve the integrated environment in which their children now study at Gordon and their right to have their younger children go on into an integrated Gordon.

They also challenge the change because the Board failed to give notice to any interested groups of its intent to take up the cluster plan and failed to provide a "designated public hearing meeting", as required under its own rules.



The Board's action occurred on July 1, 1970. Then followed a series of letters between Movants and the Board, previously described in open Court. These culminated in a letter dated August 28, mailed September 1 and delivered September 3, in which the President of the Board of Education rejected Movants' position. Other negotiations with the School Administration, under The Administration's Board-given authority to make "adjustments" in the cluster plan, had been actively pursued by Movants until receipt of this letter. On the day that letter was received, the Motion to Intervene was filed.

#### ARGUMENT

##### I. The Board's Action Violates the 1967 Decree.

This Court's first "principal finding" in Hobson v. Hansen, 269 F.Supp. 401, 406 (1967) (hereinafter cited H., p. ) was that

"Racially and socially homogeneous schools damage the minds and spirit of all children who attend them - the Negro, the white, the poor and the affluent - and block the attainment of the broader goals of democratic education...." (See also H., pp. 504-5, 509).



Moreover, Dr. Kenneth Clark pointed out to the Select Committee on Equal Educational Opportunity on April 20, 1970.

"...[I]t is my considered judgment, based upon the cumulative evidence of the past 15 years, that American society will not effectively desegregate its schools or mount a serious attack against racism and racial polarization in the United States as long as we continue to view the problems primarily in terms of their damage to Negroes...

The argument for the desegregation of our public schools must now be presented in terms of the damage which racially segregated schools inflict upon privileged white children.

I repeat. If we are realistically to move toward planning and implementing serious programs for the desegregation of American public schools and related institutions in our society, we must now begin to examine very carefully and to present honestly and clearly the evidence which suggests the deep, insidious damage which segregated schools and segregated institutions inflict upon privileged white children.

There is strong evidence to suggest that racial segregation, which is in fact the institutionalization of racism in America, is flagrantly and insidiously detrimental to privileged middle class and working class white children."

Believing in these principles, Movants assert their rights, not to demand transfers for their children, but to prevent the destruction of the integrated environment of the school their children now attend, Gordon Junior High School.





Specifically, Movants attack the July 1, 1970 Board of Education decision which threatens this environment by transferring two predominantly white feeder elementary schools from Gordon to another junior high school. They seek enforcement of this Court's June 19, 1967, Order that the Board avoid "discrimination on the basis of racial or economic status" and ask that the transfer be enjoined and that the Board submit a plan to enroll the students concerned in Gordon.

A. The Board Action was Based on Segregatory Motives.

I. History of the Gordon-Deal line.

Racial integration in a school system 95% black is possible only in a few schools. Gordon is one of these. It is situated in the southern half of an area of the District west of Rock Creek Park, "Washington's most thoroughly integrated area, both residentially and in school enrollments." (H., p. 440). Gordon's history has reflected this fact; at the time of the 1967 decree it was the only junior high school in the "integrated" bracket. (H., p. 452, table).

Preservation of this integrated status has been a problem in the past, as this Court has already specifically found. From 1963 to 1965 Mann was in an optional



zone between Gordon and Deal. (Malone Affid. para 6).

In 1965, the optional zone was eliminated, "because a civil rights group publicly argued that the zone parents were principally seeking a white school." (H, p. 417). At the time "one apparent intent of the zone parents was segregatory... in their preference for the greater white enrollment at Deal." (Ibid).

In 1968 the School Board established a Boundary Committee to redraw the lines of the school districts and to change pupil placement policies in accordance with this Court's decision and under a procedural plan approved by the Court. The Board ultimately established for the fall of 1968 the new boundaries this Committee recommended. Faced with a school population then 92% black, the Boundary Committee -- describing its work in its own words -- sought "first to achieve what possible improvement in racial integration could be achieved by moving pupils from Wilson and Deal into Gordon and Western." (Allen Dep. Exh. 8, pp. 109-10; Malone Affid. para. 3). Thus, the statements of the Board's own Committee demonstrate that the current movement of the Gordon-Deal line taking whites out of Gordon violates the duty to seek integration and the Court's 1967 Order.



The 1968 boundary overrode local white parental objections. (Malone Affid. para 3). But only a year later the effort to roll back the racially crucial Gordon-Deal line had its first success since 1963. On recommendation of a Board Committee headed by Mr. Rosenfield, the Ward representative, the Board undercut one end of the line by returning a small white area, south of Van Ness Street and between Rock Creek Park and Connecticut Avenue, from Gordon to Deal for the school year 1969-70. (Malone Affid. para 5; green area on attached map). Now the transfer of the Mann and Hearst areas this year, the second breach in two years, obliterates the remainder of the line. (See map attached to Malone Affid., yellow area). The Board's memory of the stated purpose of the line, the only increase in racial integration thought possible in the junior high schools, is short indeed.

## 2. The Board meeting and action.

The Board's action offends this Court's Order since it undoes the remedy this Court demanded the Board provide against past segregatory wrongs. It altered the line without considering whether or not that remedy was still conducive to the non-discriminatory result the Order demands -- and without any finding that its action would achieve the "maximum effective integration" the Court sought. (H. p. 515).





In fact, the reverse is evident. For the Board was on clear notice that segregatory action was intended. Its action constituted acceptance and adoption of that intent. In reversing the School Administration's recommendation of retention of Hearst and Mann in the Gordon-Western chain, it must have known it was removing whites from a Gordon recently tipped to over 50% black. It acted in frank response to local white political pressure on the Ward Representative and proponent of the change (Tr. p. 77-8, 81, 82-3), pressure from an area already found to harbor segregatory motives. (See H. p. 417, supra p. 6). The Board clearly relied on the views of the Ward Representative in reaching its decision, a point apparent in its deliberation and made explicit by its President. (Tr. pp. 82-3; Allen Dep. pp. 27-8.) The wealthy, white areas concerned are said by the Ward Representative to be highly influential (Tr. pp. 78, 81, 84-5), and although the result of their influence in 1970 was not the creation of an optional zone, the effect is the same, through legalized transfer of children by boundary change. And the motivation is also the same -- it was "for the purpose of allowing white children, usually affluent white children, 'trapped' in a Negro school district, to 'escape' to a 'white' or more nearly white school." (H., p. 406).



Evidence that the Board's action had an inappropriate racial motivation is supported by other factors here. First, the Board took the extraordinary step of transferring children from an uncrowded school to one already overcrowded. On the basis of the figures before it in July, the Board decision reduced Gordon to 94% of capacity and increased Deal to almost 114%. (See Motion to Enforce, Exhs. A and C). In fact, Gordon is now at only 85% of capacity and Deal at 114%. (See appended Statistical Summary). Deal's overcrowding problem will become even more acute as successive 7th grades, entering on the basis of the Board-amended cluster plan, increase the disparity.\*

Second, the proponent of the Board amendment made clear that he was not interested in integration at Gordon. His statement was that "the only hope there is left for an integrated school system is in Ward 3" (Tr. p. 84); his action made clear that he meant Deal among the junior high

---

\* If this year's 7th grades are typical under the new cluster plan, after three years Deal will be at 130% of capacity and Gordon at only 94%. On the other hand, if the transfer were reversed, Gordon would reach 101% of capacity after three years. (See appended Statistical Summary).



schools, and presumably Wilson, in a roughly coterminous zone, among the senior highs.\* The implication is clear -- put all the whites into Deal, and abandon the effort to create or defend integration at Gordon, despite the earlier history and the comments of this Court on the Gordon area.

Third, the proponent openly admitted there was another purpose, "other areas that I do not want to say publicly." (Tr., p. 85). He thereby put everyone on notice that there was something to be hidden about his proposal. The Movants believe that his earlier claim that his proposal "would indicate that we do care for a certain segment of society" (Tr., p. 78) illumines the hidden reason. For that segment of society can only be from the Mann and Hearst districts: wealthy, white, (on the Board transcript) influential, and with a history of segregatory motives. (Supra, p. 6).

Other reasons for the transfer suggested before the Board are not persuasive. The Board responded to parental request that the children attend the nearest school, and invoked in effect the so-called "neighborhood policy."

---

\* Gordon, like Western High, physically in Ward 3, draws many children from other wards.





But this Court's 1967 decision made crystal clear that the neighborhood policy had to give way when it was administered in such a way as to enhance segregation (H., p. 418). In such cases, it is recognized that the Constitutional imperative of avoiding segregation overcomes the comparatively minor disadvantages of longer travel. In this case, moreover, the distance differentials are not significant. For the distance difference between Mann-Gordon and Mann-Deal and between Hearst-Gordon and Hearst-Deal, see the Malone affidavit (Para 7 and map). Although greater in the case of Hearst, the differential is less than that suffered by black students who are placed in the Deal and Gordon clusters. (See Malone Affid. para 7 and attached map for measurements).

Another argument made by the parents through the Ward Representative on the Board was that they wanted their younger children to go to Deal and/or Wilson High School with their older children. (Tr. p. 81; See Allen Dep. pp. 24, 27-8; Allen letter to Judge, Oct. 28, 1970, p. 1). This argument is not persuasive. First, the problem will of course arise whenever boundaries are changed, including the boundary changes the cluster plan makes. Second, Board policy permits liberal granting of placement exceptions to accommodate such cases (Allen Dep. pp. 37-9). Finally, this



Court has already answered this argument when it said three years ago in connection with the same Gordon-Deal boundary line,

"The zone parents' pre-1963 professed non-racial grievances do, however, seem disingenuous, since the inconvenience they cited they had invited upon themselves by choosing Wilson rather than Western High School for their older children." (H. p. 417).

This point remains valid today since Mann has been in the Gordon-Western zone since 1965.

The Board discussion on July 1, 1970 also included the suggestion (Tr., p. 84) that if the change were not made, certain families would remove their children from the D. C. public school system. But

"Even if proved, that fact cannot justify the zone, constitutionally. White students cannot earn for themselves discriminatory preferences by holding over a school board the threat of withdrawal from the public schools." (H., p. 501).

Finally, what the Board did not consider, at least in its open meeting, further reveals the segregatory intent of its action. As the Court noted during the September argument, the Board made

"...no reference whatever to educational needs of the children. No reference whatever to an appropriate distribution of races or



no consideration of socio-economic effect. No consideration whatever of population, whether it was overcrowding one school or undercrowding another; and no consideration whatever per pupil expenditure." (Transcript of Court hearing, p. 19).

The Board's action reversed a School Administration recommendation which had taken into account these very factors. (See points listed in Mr. Henley's June 17, 1970 letter to the Board, Motion to Enforce, Exh. C).

Whatever lip service the Board may have paid to racial or socio-economic mix in its public meeting, it neither considered the facts concerning integration nor examined the intent of the proponents of the change. The comment of one member set forth his attitude:

"Whereas I respect the Wright Decree socio-economic mix, and what-not, we are doing business with human beings." (T. p. 82).

The demands of the U. S. Constitution deserve more attention than as a "what-not," particularly from a body already enjoined to give them full weight.

### 3. Board closed conference.

In addition to the public meeting, the Board held a closed conference on this subject. In both her October 28, 1970 letter to the Court and in her deposition, Board President Allen states that the Board knew of and considered the racial and socio-economic aspects of the Gordon-Deal





boundary change. As her letter conceded, its action reduced both the minority white enrollment at Gordon and the minority black enrollment at Deal. But she defended the decision on the grounds the effect of the adverse change was only de minimis. (Letter, p. 2; Allen Dep. pp. 42, 45, 50-1).

On the question of socio-economic balance, the Board was also aware that the change was adverse. It discussed that the school system would "lose a lot" of the Mann-Hearst students, "both black and white", to private schools -- a clear indication of the socio-economic level involved. (Allen Dep., p. 46). Further, "we [the Board] are naturally aware that the Upper Northwest Section includes children of fairly high socio-economic level." (Allen Dep. p. 51). The contrast with her comments on Gordon and its students is stark:

"We considered the large number of black kids who are bussed in primarily to that school, and the tremendous attending problems at that particular school, and we were concerned about the numbers who go there, who are not prepared to go there...." (Allen Dep. p. 43)

Movement of wealthy whites from Gordon to Deal can hardly help socio-economic balance.



Mrs. Allen's letter to the Court underlined these conclusions:

"While the Board's action with regard to the Deal-Gordon modification may not have been entirely consistent with the criteria generally used by the Board for establishing boundaries, the deviation is only de minimus." (p. 2)

Her deposition testimony specifically identified the "criteria generally used by the Board":

"Well obviously, we tried to balance off numbers and we have tried to balance off race, in those areas where race is a factor, in accordance with the decree, we take into account socio-economic factors." (p. 47).

But these factors all argue against the Board's action changing the Acting Superintendent's cluster plan. Its change increased overcrowding and lessened both racial and socio-economic balance. Mrs. Allen virtually conceded this when her letter styled the change as a "deviation" from established Board criteria. See also the general tenor of Mrs. Allen's testimony. (Dep. pp. 40-51).

The Board's response, however, is that the damage to those factors is too small to matter; it argues "the deviation is only de minimus."

The Movants do not agree. Their views on the importance of the change are contained in Section I-B below; they are also relevant here.



The Movants also urge that the disregard of the critical factors of crowding and of racial and socio-economic balance can never be de minimis, especially when the Board has been enjoined to take them into account. The segregatory practices or the complacent adoption of segregatory pressures from white parents before 1967 were often individually small in impact, but the net effect required court intervention. What is involved here is an intentional downgrading of the very essence of this Court's 1967 Opinion and Order.

Summarizing, the Board

(a) Undid the 1968 line which had been drawn under Court Order to achieve maximum racial integration;

(b) Responded to political pressures from wealthy, influential whites, based on segregatory objectives, flying in the face of all common sense concerning school crowding; and

(c) At best, failed to consider the racial socio-economic or educational aspects of its decision or, at worst, considered them and disregarded their dictates.

On the basis of any one of these points, this Court should find that the Board has violated the non-discrimination directive of its Order.





B. The Board's Action is Segregatory in Effect.

There is, moreover, a second ground for this Court to direct compliance with its Order here. In addition to the Board's willingness to accept the segregatory motivation of the proposal to shift Mann and Hearst and in addition to its failure to seek "maximum effective integration" (H., p. 515), the effect of the Board's action is manifestly segregatory.

While the numbers for any one year may not at first appear large, the Board-directed shift of whites out of Gordon is highly significant. If the eighteen Mann-Hearst 7th grade whites now at Deal were now at Gordon, the 7th grade there would contain 103 rather than 85 whites, an increase of 21% -- more than one fifth. The percentage racial balance of the 7th grade would be 35-65%, rather than the present 31-69%.\* (See appended Statistical Summary).

It is true that the 18 transferred white 7th graders would immediately increase Gordon's total percentage of whites for all grades by only 1.4%\*\*, but this applies the seventh grade figures for transferred children against the base of the total of all three grades at Gordon.

---

\* Figures also assume the 3 Hearst blacks now at Deal would also go to Gordon.

\*\*Cf. President Allen's letter to the Court, October 28, 1970, which uses 1.2%, based on figures earlier than the most recent stipulated numbers.



A fairer comparison would multiply this year's 7th grade transfers by three for the three grades, for 54 children. The addition of 54 whites would increase the total number of whites at Gordon by 18%, almost one-fifth; and it would increase the percentage of whites in the total number of students from 39% to 43%\*. (Projecting this year's 7th grade as representative would of course produce in three years the same percentages as the 7th grade manifests now.)

Surely the increase in white population by a fifth in a school with Gordon's history and racial balance is significant in maintaining its integrated status.

There are percentage marks beyond which whites will not stay in school.\*\* Gordon's percentage of whites has fallen from 52% in 1965 to 46 1/2% in 1969, and to 39% this fall. (H. p. 452; Motion to Enforce, Exh. A; appended Statistical Summary). With continued reduction in white students, Gordon is in grave danger of losing its integrated status.

---

\*Figures also assume the 3.Hearst blacks now at Deal would also go to Gordon.

\*\*See U.S.Commission on Civil Rights, Racial Isolation in the Public Schools, p. 10 (Washington, 1967). In "Is There a Racial Tipping Point in Changing Schools?", 25 Journal of Social Issues, p. 127 (1969), the authors concluded that there is no specific tipping point and that the higher the proportion of Negroes, the more rapidly the whites leave, although they find there might be a plateau between 30 and 60% black when white exodus is considerably slowed.



Deterioration of integration will likely be accelerated by the fact that Gordon's undercrowded condition will invite transfers in. Since Deal is the only other junior high with a substantial white population, unless whites are retransferred to Gordon from Deal, the result will be transfers of blacks and a further decrease in the proportion of whites at Gordon. Moreover, such a new transfer of blacks will itself be discriminatory since the new transfers will undoubtedly have to come from a distance greater than that the whites of the Mann and Hearst districts complain of. For example, Francis J.H.S., nearest to Gordon, is already at the extreme west edge of its district. (See map attached to Malone affidavit).

Furthermore, whites will be sensitive to the second Board-ordered transfer of white areas out of the Gordon area in two years, thus enhancing the danger that, unless the pattern of transfers is reversed, whites will lose heart in the battle to retain an integrated Gordon.

In sum, it is clear that the School Board was asked to and did adopt a segregatory boundary plan not





consistent with this Court's Order of June 19, 1967, embracing on political grounds the segregatory intent of those seeking to change the Administration's cluster plan. Whether its action be taken as acceptance of a segregatory intent, or as a decision which brought about a segregatory result, the Board has not met its duty to avoid discrimination under that Order. Movants are entitled to the relief they seek, enforcement of the Order as it affects the transfer of the Mann and Hearst districts from Gordon Junior High School.

II. The Board Materially Failed to Follow Its Own Procedures.

The Board's rules include a requirement that, "upon the receipt of a report from the Superintendent of Schools involving a major change in the school system, or the schools in a particular community," the Board will advise the public and citizens groups who have requested notice; (Rules, chapter 1, section 7.4, Motion to Enforce, Exh. D). The rules also call for a "designated public hearing meeting." (Ibid, section 7.5).

It is clear that the adoption of a plan clustering particular elementary schools under particular junior high schools was "a major change in the school system," and



also "a major change in... the schools of" several particular communities. The action came upon a report from the Acting Superintendent. (Motion to Enforce, Exh. C).

The notice and hearing requirements were simply not met. The Board told no citizens' groups that it proposed to take action either on the cluster plan generally or on the Gordon-Deal boundary in particular. (Allen Dep. pp. 28-31). Its only public notice was a memo to the press which can only be described as opaque; it spoke of meetings concerning "Task Force Reports as submitted by the Acting Superintendent," without further specification. (Allen Dep. Exh. 12-13). The Board held no "designated public hearing meeting." (Allen Dep. p. 29).

The violation of the Board's own rules is prejudicial and improper, and it vitiates the action taken. Erie R. Co. v. Paterson, 79 N.H.L. 512, 76 Atl. 1065 (1910); see U.S. ex. rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954).

It is also clear that the lack of notice of the proposed cluster plan meant that there was no public discussion of the cluster assignment of Mann or Hearst, a debate that would certainly have opened the issues which the Board failed to consider: the relationship of the assignment



of these schools to racial discrimination and to the Order of June 19, 1967. The violation of its notice and hearing rules is particularly offensive when the Board says it relied heavily on community pressure for the result it brought about. (Tr. pp. 78, 81; Allen Dep. pp. 24-8).

III. Movants are Entitled to Relief Now.

As we have shown, the Board's July 1 action violated this Court's 1967 order and its own standards. Yet we are assured that the Board action was taken only "on a trial basis." (Motion to Enforce, Exh. C. p. 2). That "trial" will last until terminated by a new Board decision and the Board has not scheduled any meaningful review of the "trial" results. The Movants cannot be required to sleep on their rights now in the uncertain hope that they may be vindicated at some future time.

In the meantime the constitutional deprivations continue, and the Board has made no move to eliminate them. The Board's Gordon-Deal plan is not one which "promises realistically to work, and promises realistically to work now." (Green v. County School Board of New Kent Co, Va. 391 U.S. 430, 437 (1968) (emphasis in original). See also





Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969); Dowell v. Board of Education of Oklahoma City Public Schools, 396 U.S. 269 (1969). Since the asserted basis of the Board's Gordon-Deal action was its de minimis nature, there should be no serious administrative problems presented by the Order sought by the Movants. But even if there were:

"Of course, the changes that will come as a result of the modifications we now specify and from the November order now called for will cause mid-year disruptions, pupil reassignments and the like. But on balance, this is less costly than a continued loss of rights of a large number of students."  
Singleton v. Jackson Municipal School District.  
F.2d (5th Cir. No. 29226, August 12, 1970) (Slip op. at p. 10).

This Court should act promptly to enforce Movants' constitutional rights.



CONCLUSION

For the reasons stated, Movants urge that this Court preliminarily and permanently enjoin the defendants, Members of the Board of Education and Superintendent of Schools, from transferring Horace Mann and/or Phoebe Hearst Elementary Schools from Gordon to Alice Deal Junior High School; from implementing its decision of July 1, 1970 to accomplish the same; and to provide the Court with a plan for prompt placement of former Mann and Hearst students now at Deal in Gordon Junior High School.

Respectfully submitted,

---

Stephen B. Ives, Jr.

---

Terrence R. Murphy

Attorneys for Movants  
Richard T. Stout, et al.  
1320 Nineteenth Street, N. W.  
Washington, D. C. 20036

202-296-2121



Statistical Summary

The data below is calculated from the October 22, 1970 "Membership Report" for Gordon and Deal, stipulated to be the most recent data available. (Stipulation of November 18, 1970; see also Allen Dep. pp. 13-14). Capacity figures and number of Mann-Hearst 7th graders at Deal taken from October 15, 1970 "Submission by Defendants." (Overall Gordon and Deal census data in that Submission has been superceded by the later "Membership Report.")

A. Under Board-Amended Cluster Plan

	<u>Negro</u>	<u>Others</u>	<u>Total</u>
<u>Gordon Junior High School</u>			
7th Grade	191	85 (30.8%)	276
8th-9th Grades	<u>263</u>	<u>208 (44.2%)</u>	<u>471</u>
Totals	454	293 (39.1%)	747

Percent of Capacity of 883 - 84.6%

Percent of Capacity based  
on 3-year projection from  
7th grade\* - 93.8%

Alice Deal Junior High School

7th Grade	258	274 (51.5%)	532
8th-9th Grades	<u>388</u>	<u>481 (55.4%)</u>	<u>869</u>
Totals	646	755 (53.9%)	1,401

Percent of Capacity of 1,226 - 114.3%

Percent of Capacity based on  
3-year projection from  
7th grade\* - 130.2%





IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al., :  
Plaintiffs :  
v. : Civil Action No. 82-66  
CARL F. HANSEN, et al., :  
Defendants. :

## Affidavit of Julius W. Hobson

District of Columbia, ss:

Julius W. Hobson, an original plaintiff in this case, being duly sworn on oath, deposes and says that he is the author of the attached analysis of data on per pupil expenditures submitted to this Court by defendants pursuant to orders of this Court in Hobson v. Hansen, Civil Action No. 82-66.

Julius W. Hobson.

Sworn and subscribed to before me  
this       day of December, 1970

Notary Public, D.C.

My Commission Expires:



## ANALYSIS

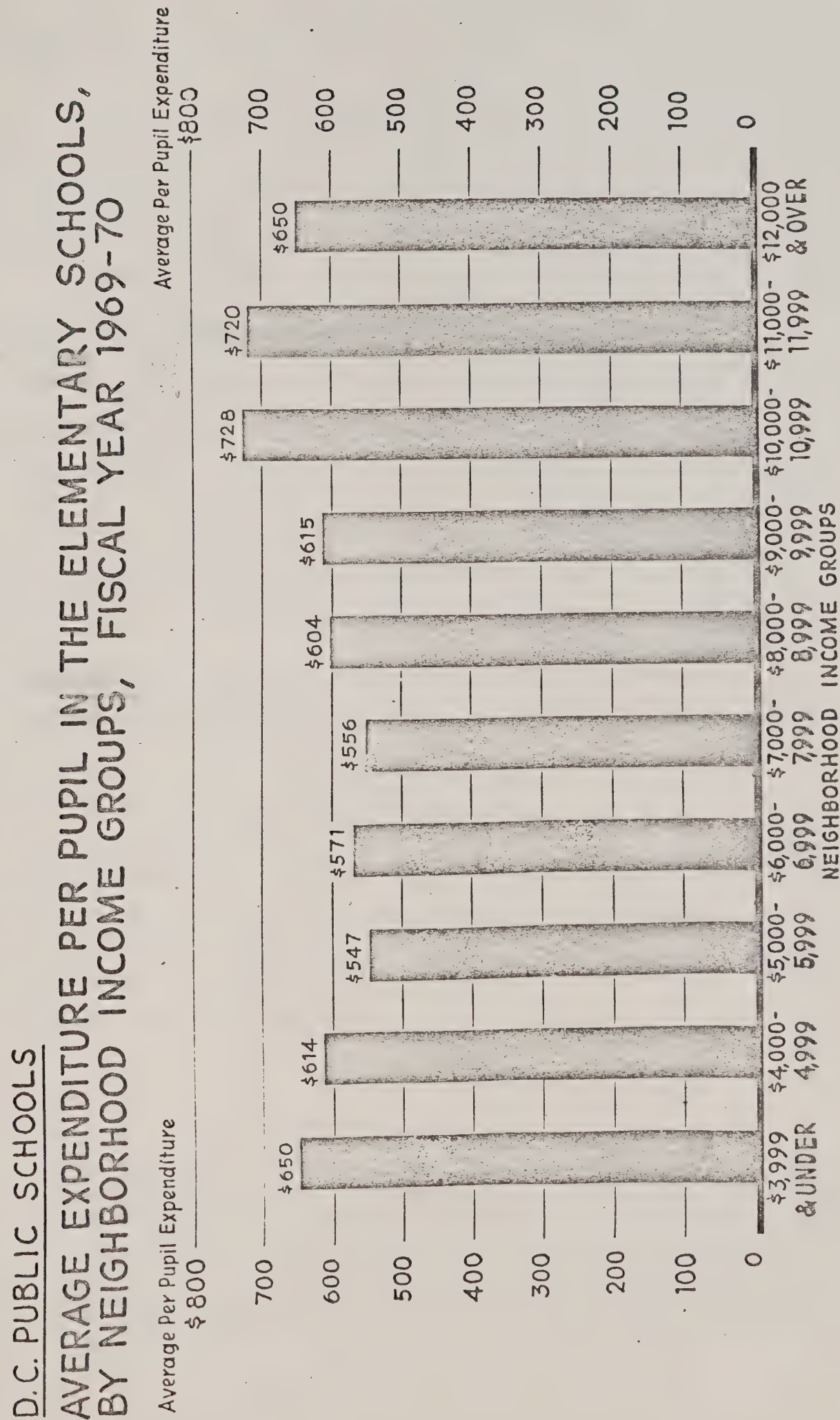
Chart 1.

Chart 1 shows the average total operating expenditure per pupil from regular funds in the elementary schools of the District of Columbia by neighborhood income groups, fiscal year 1969-70. An average of the original data submitted to the Court by the School Administration (total expenditures per school divided by the total numbers of pupils per school) shows that in the three richest and whitest neighborhoods (\$10,000 and above) the School Administration spends on an average of \$94 more per pupil than it does in the three poorest and blackest neighborhoods with income below \$6,000. If the same average is taken at the \$8,000 and above income levels, it shows that the School Administration spends about \$75 more per pupil in schools located there, than it does on pupils in schools located in neighborhoods with income levels below \$8,000.

The chart clearly shows a pattern of spending by the D.C. Public School Administration which benefits the richer and whiter communities in the City.



Chart 1.



The D.C. Public School Administration spends an average of \$94 more per pupil in the communities with incomes of \$10,000 or more than it does in the communities with incomes of \$5,000 or less.

Source: D.C. Public Schools





Chart 2.

Chart 2 shows total operating expenditures per pupil from regular funds in selected D.C. elementary schools, 1969-70. According to the chart, and leaving aside "special schools," the D.C. Public School Administration spent the largest amount of money per pupil (\$1,163) at the Perry Elementary School in the school year 1969-70, and the smallest amount per pupil (\$305) at the Tubman Elementary School.<sup>1/</sup> This shows an expenditure gap between these schools of an unbelievable \$858 per child.

In 1966 when the original complaint was filed, (Hobson v. Hansen) data for the 1964 school year was used which showed a per pupil expenditure inequity between the lowest and highest elementary schools of some \$411. Chart 2 states in the footnote that the astronomical inequity of \$858 for 1970 represents an increase over 1964 (then \$411) of over 100 percent.

Thus, the data indicate that through the school year 1969-70 the D.C. Public School Administration continued to carry out spending practices in the City's elementary schools which, inspite of a Court order to the contrary, created greater inequity and unfairness.

---

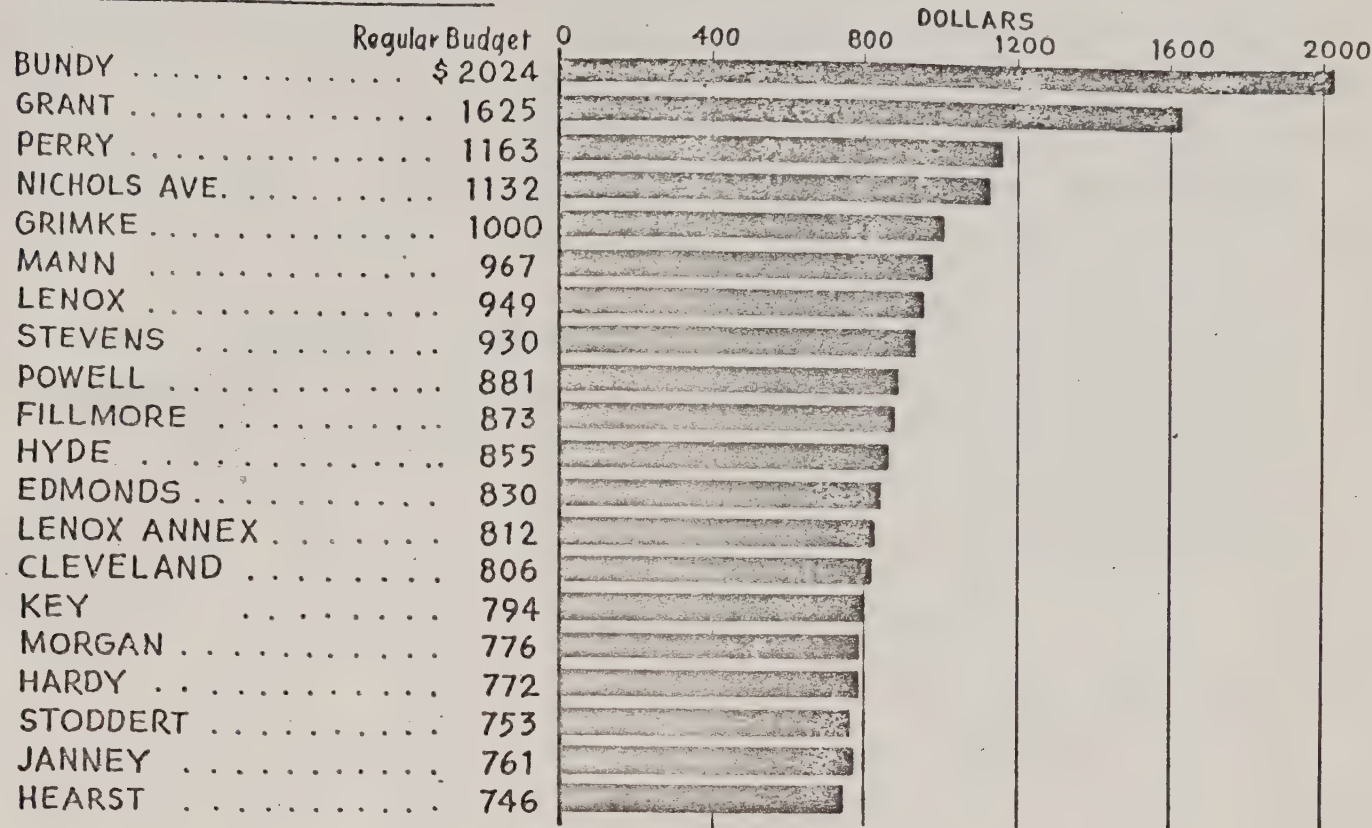
<sup>1/</sup> In the 1969-70 school year the Administration spent as low as \$104 per pupil at the Morgan Annex. We used Tubman in our analysis however, because it is comparable to Perry, and because the Administration does not make clear the differences between the Morgan Elementary School and the Morgan Annex. In fact in some cases the Administration reports expenditures per pupil for combined elementary schools and annexes.



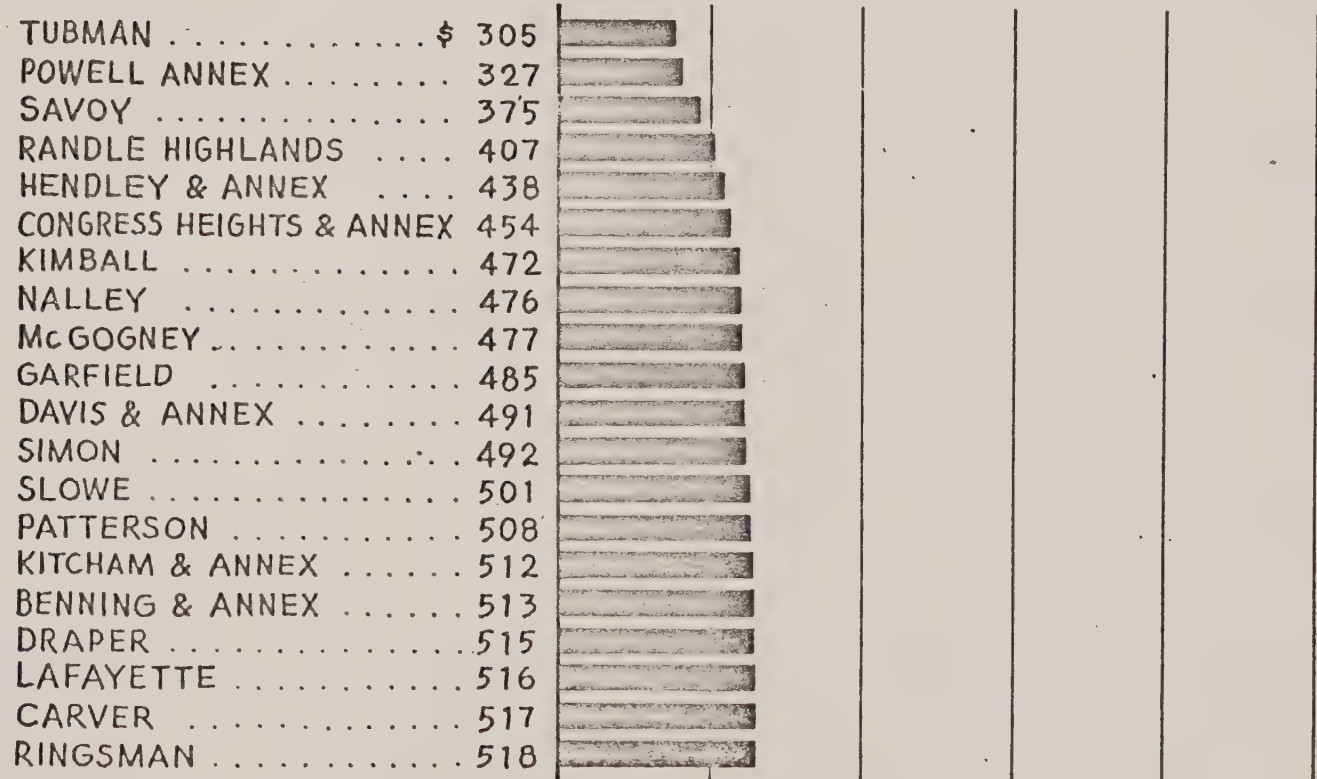
Chart 2.

EXPENDITURES PER PUPIL IN  
SELECTED D.C. ELEMENTARY SCHOOLS, 1969-1970

HIGHEST EXPENDITURE GROUP



LOWEST EXPENDITURE GROUP



In 1964 the spread between the highest and lowest school was \$411. By 1970 the spread equaled \$858 leaving aside "special schools." The above data for 1970 show that the spread has increased from 1964 by over 100% leaving aside "special schools."

Source: D.C. Public Schools





### Chart 3.

The School Administration has advanced the low or slightly negative coefficient of correlation ( $-.08$ ) obtained when schools are "ranked first by median neighborhood income, and second by mean expenditures per pupil" as proof that the wide variation in expenditures per pupil between individual schools do not reflect any economic or racial bias. However, the most elementary inspection of the data on which the School Administration's coefficient of correlation is based readily leads to the conclusion that the statistical method used to arrive at the  $-.08$  coefficient is improper as demonstrated in the Michelson Affidavit filed concurrently herewith.

Chart 3 is entitled "Relation of Average Per Pupil Expenditures to Neighborhood Income Levels, 1969-70." The apparent statistical conclusion drawn from the data on this chart is that any attempt to compute a coefficient of correlation using these data would be misleading to say the least. The chart shows each elementary school in the District of Columbia on a graph cross relating neighborhood income and average operating expenditures per pupil from regular funds. In 1969-70 the rounded city-wide average expenditure per pupil in the elementary schools was \$586. Of the 53 schools shown with average expenditures below the city-wide average, only five were located in neighborhoods with incomes above \$8,000. In the neighborhoods with incomes below \$8,000, forty-eight schools had per pupil expenditures below the city-wide average. Expressed in percentages, the data shows that only 25 percent of the schools located in the wealthier neighborhoods had expenditures below the city-wide average, while more than 43 percent of the schools in the poorer neighborhoods (incomes below \$8,000) were so situated.

The Keene Elementary School had the lowest average expenditure per pupil (\$541) found in any elementary school located





in the wealthier neighborhoods (\$8,000 and above incomes). This represents a deviation from the city-wide average of only a minus 7.7 percent. By contrast, Tubman, a school comparable to Perry, and located in the poorer neighborhoods, (incomes below \$8,000) had a low expenditure of \$305 per child, an amount which deviated from the city-wide average by an unbelievable minus 48.0 percent. The deviation from the city-wide average in the poorer communities was more than six times the deviation from the city-wide average by the lowest school in the wealthiest community.

The chart shows clearly that the "crazy quilt" or "random" nature of the spending pattern is concentrated among the low income area schools where there appears to be no correlation between neighborhood income and per pupil expenditures. No one ever seriously suggested that there was. Between the rich and poor income areas, however, the chart shows that there is clearly differential spending in the elementary schools of D.C. based on the income. Put another way, children in wealthy neighborhoods have only a slight chance of being assigned to elementary schools where the expenditure per pupil is less than the city-wide average. By unfortunate contrast, children in poorer neighborhoods face a substantial probability of assignment to schools where such expenditures are way below the city-wide average.

This discrimination against the poor becomes much more pronounced when we examine two scatter diagrams (nos. 1 and 2) filed by defendants on November 17, 1970. Scatter diagram no. 1 is entitled "Relation Between Teacher Expenditures Per Pupil Fiscal 1971 and Family Income Level of School", and scatter diagram no. 2 is entitled "Relation Between Teacher Expenditures Per Pupil Fiscal 1970 and Family Income Level of School".

First of all, these diagrams report figures which are described as "Median Income per School." They are presumably based on data appearing in the three page chart in Part 1, subpart 2 of Volume I of exhibits filed in this Court by defendants



on August 10, 1970. According to the Census Bureau, the only possible way to arrive at median income per school is to know the exact income of each parent of each child located in each school. From these data it would be possible to arrive at a figure which could be called "median income per school." There is nothing in the defendants' submissions before this Court which indicates that they have such information. Therefore their designation, "Median Income per School," is statistically invalid and incorrect.

By contrast, the plaintiffs' scatter diagram entitled "D.C. Elementary Schools -- Relation of Average Per Pupil Expenditures to Neighborhood Income Levels, 1969-70" (Chart 3) shows neighborhood median income obtained from the U.S. Bureau of the Census. This is income based on Census tract data and, according to the factors which go to make up this income, is not directly related to school children. The plaintiffs' scatter diagram therefore is not directly comparable to the defendants' scatter diagrams nos. 1 and 2.

However, even assuming that the calculations produced by the defendants which they call "Median Income per School" are valid, their diagrams still show more crass discrimination against the poor on behalf of the wealthy than does the plaintiffs' scatter diagram. For example, on diagram no. 1, not a single school with median income per school of \$8,500 and above in 1971 had average expenditures per pupil based on teachers' salaries that deviated more than 5% below the city-wide average of \$499. All but 2 of these schools were more than 5% above the city-wide average. However, there were large numbers of schools with median incomes below \$8,500 showing expenditures of more than 5% below the city-wide average. Some were shockingly far below that average. Similarly, diagram no. 2 for the fiscal year 1970 reported a city-wide average based on teachers' salaries of \$452 in the elementary schools. It appears by inspection that one and



maybe two of the elementary schools with median income per school of \$8,500 and more had expenditures below the city-wide average, but nowhere near 5% below the city-wide average, while in the communities where the median income per school was below \$8,500, large numbers of elementary schools had expenditures based on teachers' salaries far below 5% of the city-wide average. Thus, assuming a validity for defendants' calculations, these scatter diagrams serve only to reinforce plaintiffs' argument that per pupil expenditures for teachers' salaries and benefits in D.C. public schools are "random" only for the poor. The rich are virtually guaranteed more money -- in almost every instance, substantially more than 5% above the city-wide average.



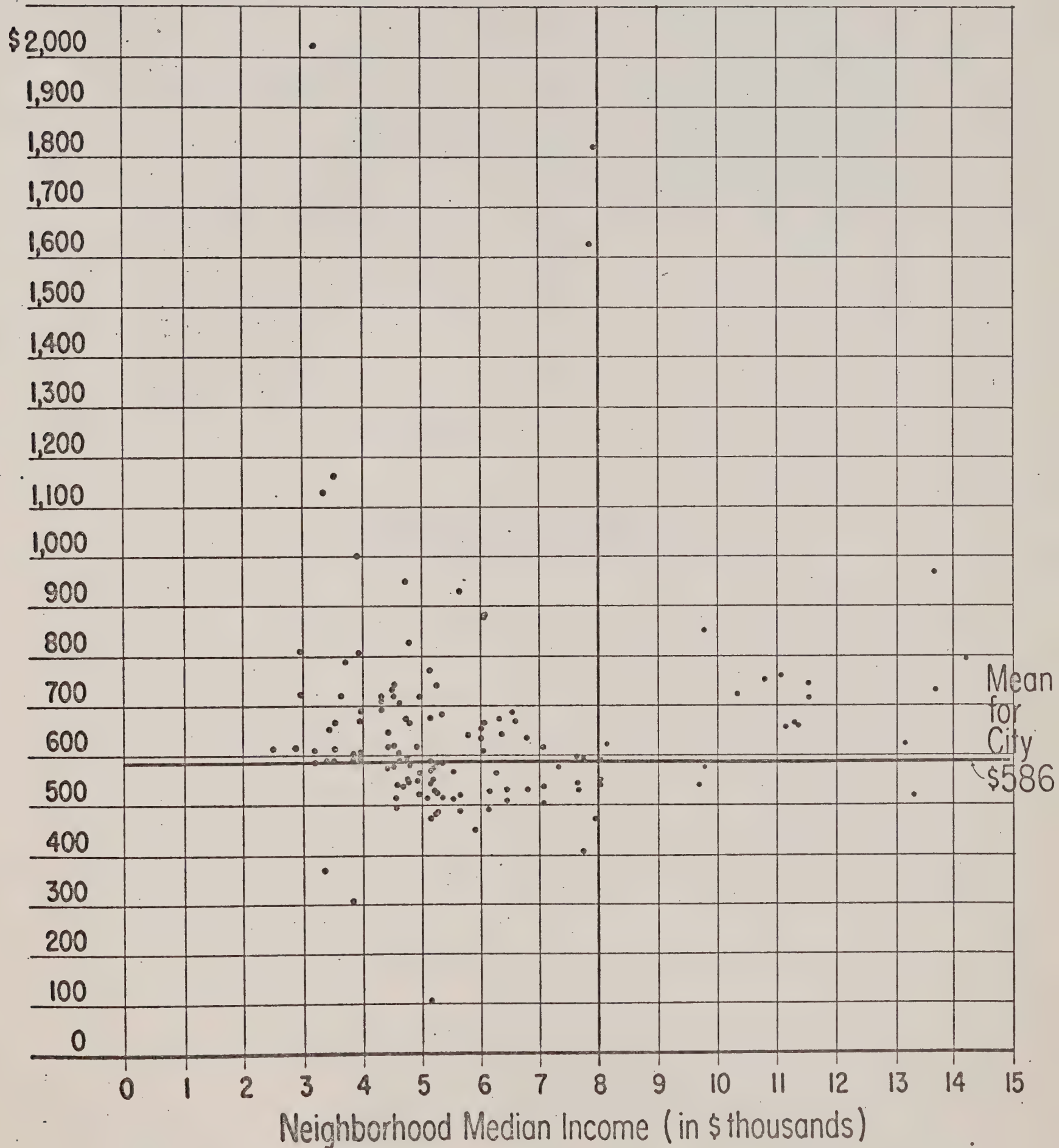




# D.C. ELEMENTARY SCHOOLS

## Relation of Average Per Pupil Expenditures to Neighborhood Income Levels, 1969-70

Per Capita Pupil Expenditures



SOURCE: D.C. PUBLIC SCHOOLS



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs,	)	
-----	)	
	)	Civil Action No. 82-66
RICHARD T. STOUT, et al.,	)	
	)	
Movants,	)	
-----	)	
	)	
v.	)	
	)	
CARL F. HANSEN, et al.,	)	
	)	
Defendants.	)	

SUPPLEMENT TO MEMORANDUM  
OF MOVANTS, RICHARD T. STOUT, et al.

Information taken from Defendants' Memorandum to the Court of November 17, 1970, throws added light on the socio-economic balance at Gordon and Deal. This data demonstrates why the transfer of Mann and Hearst from Gordon to Deal adversely affects socio-economic balance at Gordon, while it only reinforces the prevailing socio-economic group at Deal. For balance, Gordon needs students from higher socio-economic levels; Deal does not.

The Defendants' Memorandum states (p. 23):

"The Court is advised that this 1970 census data is not now available. Defendants recommend to the Court an alternative means of obtaining equivalent information. Currently, the best available method of identifying



the presence of low-income pupils in the elementary schools of the District of Columbia is through the information on the number of pupils who qualify for free lunches in each school. This measure may be superior to the data on family income in the census tract of the school for 1959 because it is more timely and because it depicts the income of the families of the pupils attending the school rather than the income of the school's neighborhood at large."

The following table shows the number of free school lunch students by elementary school, clustered as the Board assigned them (with Mann and Hearst shown separately). This data is taken from p. 25-6 of the Defendants' November 17 Memorandum; the size of the elementary schools, included to show the ratio of free school lunch students to total enrollment, is taken from Further Revised Submission to the Court, filed on November 17, 1970.

<u>School</u>	<u>Needy Lunch Children, 10/21/70</u>	<u>Size of School 10/22/70</u>
<u>Gordon Cluster</u>		
Adams	298	534
Eaton	27	398
Fillmore	17	135
Hardy	12	167
Hyde	15	107
Jackson	19	99
Key	23	180
Morgan	323	485
Morgan Annex	180	158
Oyster	14	292
Stoddert	<u>2</u>	<u>186</u>
TOTAL	930	2,741
	(33.9% of total elementary school size)	





<u>School</u>	<u>Needy Lunch Children, 10/21/70</u>	<u>Size of School 10/22/70</u>
<u>Deal Cluster</u>		
Bancroft	305	915
Janney	16	413
Lafayette	0	668
Murch	10	613
West	<u>72</u>	<u>525</u>
TOTAL	403	3,134
	(12.9% of total elementary school size)	
<u>Mann</u>	17	234
<u>Hearst</u>	<u>17</u>	<u>185</u>
	34	419
	(8.1% of total size)	

Thus, in the schools in the Gordon cluster, one pupil in three has qualified for free lunches. For the Deal group, the ratio is only one in eight, and for Mann-Hearst, it is one in twelve.

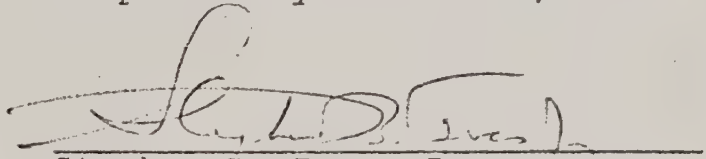
This evidence also indicates the position of the schools in the Gordon cluster among all District schools. Gordon's feeder schools contain 33.9% pupils entitled to free lunches; the city-wide figure is 39.75%. The contrast with Deal's 12.9% is marked.

On the basis of what the Defendants call the "best available method of identifying the presence of low-income pupils," it is clear that the transfer of Mann and Hearst from Gordon will detract from, rather than enhance, economic balance.



It is also noteworthy that the Defendants' November 17 Memorandum also concedes that "over and under capacity" is a "major variable" affecting per pupil expenditure (p. 1). Yet they defend the transfer of students from an under-capacity to an over-capacity school.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stephen B. Ives, Jr.", is written over a horizontal line.

Stephen B. Ives, Jr.  
Attorney for Movants

Richard T. Stout, et al.  
1320 Nineteenth Street, N. W.  
Washington, D. C. 20036  
(202) 296-2121



JULIUS W. HOBSON, et al, :  
Plaintiffs :  
and :  
MR. AND MRS. WILLIAM BENNETT, : Civil Action No. 82-66  
Movants :  
v. :  
CARL F. HANSEN, et al, :  
Defendants :

Defendant Bardyl R. Tirana, a member-at-large of defendant Board of Education, hereby disassociates himself from the Opposition of Defendants filed by the Corporation Counsel on or about October 27, 1970. Specifically, the Corporation Counsel states that "if the Moten students are unable to participate in the after school enrichment program because transportation is not available, the program would be terminated because they constitute a substantial portion of the student body." (pp. 2-3) I know of no such authority for that statement by the Corporation Counsel.

Indeed, the Board of Education could direct the expenditure of funds for providing later transportation. As an individual member of the Board, I believe that I would vote to provide later transportation rather than terminate the program.

Respectfully,

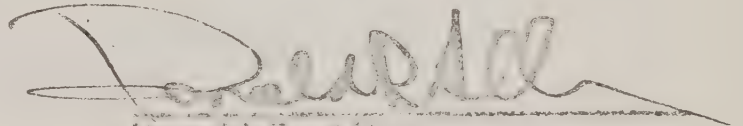
Bardyl R. Tirana, pro se





### CERTIFICATE OF SERVICE

I, Donald R. Allen, at the request of Bardyl Tirana, hereby certify that a copy of the foregoing pleading executed November 23, 1970, by Bardyl Tirana, Member of the Defendant Board of Education, was personally delivered to Counsel of Record in this proceeding this 24'th day of November, 1970.



Donald R. Allen  
Attorney for Movants Mr. and  
Mrs. William Bennett  
1775 K Street, N.W.  
Washington, D.C. 20006



Stephen B. Ives, Jr.  
Attorney for Movants  
Richard T. Stout, et al.  
1320 Nineteenth Street, N. W.  
Washington, D. C. 20036  
(202) 296-2121



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-----	)	
	)	Civil Action No. 82-66
RICHARD T. STOUT, et al.,	)	
	)	
Movants,	)	
	)	
-----	)	
	)	
v.	)	
	)	
CARL F. HANSEN, et al.,	)	
	)	
Defendants.	)	

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

The Court has considered the Motion to Enforce Decree filed by the Movants Richard T. Stout, et al., the verified Motion, affidavits in support of the Motion, data submitted by the Defendants including a letter from the President of the Board of Education and the deposition of the President of the Board, together with numerous exhibits included therein. Based upon this material and other material available in the file of this case, the Court enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

A. Introduction

Al. Movants are nine parents of children at Gordon Junior High School, who complain that the decision of the Board of Education of the District of Columbia on July 1, 1970, enhances segregation in violation of their rights to obtain education or their children under conditions of maximum effective integration.





A2. By Order of September 15, 1970, Movants were permitted to intervene in the case of Hobson v. Hansen, to argue their Motion to Enforce Decree, namely the Decree of June 19, 1967.

A3. On June 17, 1970, the Acting Superintendent responded to the request of the Board of Education for a plan "clustering" elementary schools under junior high schools, so that all pupils in the clustered elementary schools would for their seventh grade attend the associated junior high school. The Acting Superintendent recommended only a partial cluster plan, under which Horace Mann and Phoebe Hearst Elementary Schools were included in the Gordon cluster. The Board of Education reversed this particular recommendation and transferred both areas from Gordon to Alice Deal Junior High School.

(Motion to Enforce, Exh. B and C; Allen Dep., Exhs. 4-6).

A4. Movants seek to enjoin the Board and the Superintendent of Schools from carrying out this change in the cluster plan proposal.

B. History of the Gordon/Deal Line

B1. This Court noted in 1967 that the southern half of the area in the District west of Rock Creek Park was "Washington's most thoroughly integrated area, both residentially and in school enrollments." This is the area of Gordon J.H.S., which was at the time the only junior high school in the "integrated" 33-67% range of racial division.

(269 F. Supp. at 440, 452)

B2. Mann and Hearst serve the wealthy, white Spring Valley and North Cleveland Parks sections respectively of Washington's Northwest; the areas were described to the Board of Education as politically influential. Both schools include some out-of-district black students.

(Motion to Enforce, para 4; Board Tr. pp. 78, 81, 82-3, 84-5)



B3. The Court's attention has been earlier drawn to the Gordon-Deal line, and particularly to the assignment of the Mann area. In 1963, in response to parental complaints which I then found to be at least partially segregatory in intent, Mann parents were permitted the option of sending their children to Deal. In 1965, "because a civil rights group publicly argued that the zone parents were principally seeking a white school," this option was eliminated.

(269 F. Supp. at 417;  
see Malone Affid.,  
para 6)

B4. On June 19, 1967, this Court directed the defendants from discriminating and ordered that they file in the record a plan of pupil assignment complying with the Court's opinion.

B5. On January 2, 1968, the defendants filed their report in compliance with this directive, setting forth their intent to adopt redrawn junior and senior high school boundaries which "will not only increase socio-economic and racial integration but will also achieve maximum use of school buildings and insure an equitable distribution of staff."

(Jan. 2, 1968, Section on  
"Long Range Pupil Assignment  
Plans," p. 2,  
Allen Dep., Exh. 7)

B6. The Committee set up by the defendants to carry out this provision moved the Gordon-Deal northwards including all of Mann and half of Hearst into the Gordon area. In discussing the overall boundary problems, that Committee noted,

"Where to start? We elected to try first to achieve what possible improvement in racial integration could be achieved by moving pupils from Wilson and Deal into Gordon and Western."



It also noted the need to approximate 108% of capacity for junior high schools.

Its recommendations were accepted by the Board and put into effect for school year 1968-9.

(Transcript, which is Allen Dep., Exh. 8, pp. 109-10; Malone Affid., para 4)

B7. Gordon's percentage of white students has changed as follows:

1964	58.5%
1965	52%
1969	52.6% (before transfers in)
1969	46.5% (after transfers in)
1970	39%

(Calculations from 269 F. Supp. at 452; Motion to Enforce, Exh.A, including second footnote; Stipulated data, Allen Dep., Exh. 11)

B8. For the following school year, 1969-70, the Board of Education transferred one small portion of the Hearst district, containing several white junior high school students, from Gordon back to Deal.

(Malone Affid. para 5 and attached map)

C. The Board's Action in Moving Mann and Hearst from the Gordon District

C1. On July 1, 1970, the Board of Education moved Mann and Hearst from the Gordon cluster to the Deal cluster, reversing the recommendation of the Acting Superintendent.

C2. The effect of the action, plus the small 1969 change, is to totally abandon the line drawn by the 1968 Boundary Committee and approved by the Board.

(Map attached to Malone Affid. See paras. B6 and B8 above)







C3. At the time it voted on this transfer, the Board had before it figures showing that the transfer would increase Deal from 108.8% of capacity to 113.78% and decrease Gordon from 101.1% to 94.38%.

(Allen Dep. Exhs. 4 and 5; Motion to Enforce, Exh. C; Board Tr., p.80)

C4. As it turned out in fact this fall, the effect of this transfer was to increase Deal from 112.6% to 114.3%, while Gordon was left at 84.6% capacity.

(Movants Statistical Summary, based upon stipulated data, Allen Dep. p. 13-14, Exh. 11)

C5. The racial breakdown of last year's 6th grade at Mann and Hearst was 37 white and 23 black, but the Board anticipated that some of both these white and these black students would attend private schools this year.

(On statistics, see Allen Dep., Exh. 10, pp. 11 and 12; on anticipation, Allen Dep., p. 46)

C6. At the time of its July 1, 1970 transfer decision, the Board knew "we were talking about" "Upper Northwest" "children of fairly high socio-economic level."

(Allen Dep., p. 51)

C7. Eighteen white and three black 7th graders from Mann and Hearst now attend Deal.

(Submission of Defendants, Oct. 15, 1970, para C; See Allen Dep., p. 50-1.)



C8. The following table shows the numbers of students, by race, at Gordon and Deal, as of October 22, 1970:

	<u>Negro</u>	<u>Others</u>	<u>Total</u>
<u>Gordon Junior High School</u>			
7th Grade	191	85 (30.8%)	276
8th-9th Grades	<u>263</u>	<u>208 (44.2%)</u>	<u>471</u>
Totals	454	293 (39.1%)	747

Percent of Capacity of 883 - 84.6%

Alice Deal Junior High School

7th Grade	258	274 (51.5%)	532
8th-9th Grades	<u>388</u>	<u>481 (55.4%)</u>	<u>869</u>
Totals	646	755 (53.9%)	1,401

Percent of Capacity of 1,226 - 114.3%

(Movants Statistical Summary, based upon stipulated data, Allen Dep. p. 13-14, Exh. 11).

C9. For comparative purposes, the following table shows the same data except on the assumption that the 18 white and 3 black 7th graders from Mann and Hearst were at Gordon, instead of Deal:

	<u>Negro</u>	<u>Others</u>	<u>Total</u>
<u>Gordon Junior High School</u>			
7th Grade	194	103 (34.7%)	297
8th-9th Grades (Unchanged)	<u>263</u>	<u>208 (44.2%)</u>	<u>471</u>
Totals	457	311 (40.5%)	768

Percent of Capacity of 883 - 86.9%

Alice Deal Junior High School

7th Grade	255	256 (50.1%)	511
8th-9th Grades (Unchanged)	<u>388</u>	<u>481 (55.4%)</u>	<u>869</u>
Totals	643	737 (53.4%)	1,380

Percent of Capacity of 1226 - 112.6%

(Ibid)



C10. In its decision to move Mann and Hearst from Gordon, the Board relied heavily upon the wishes of parents in the school district concerned, as conveyed to the Board by the Ward representative on the Board.

(Board Tr. pp. 81-3;  
Allen Dep., p. 24-8).

C11. The Ward representative conceded his motivations were political, and he further suggested the parents concerned were influential, specifically mentioning the Congress.

(Board Tr. p. 81, 84)

C12. In discussing his reasons for sending Mann and Hearst to Deal, he referred also to "other areas that I do not want to say publicly."

(Board Tr. p. 85)

C13. The Mann-Hearst parents urge that their children should attend Deal on the grounds that it is closer to their home than is Gordon.

(Board Tr. pp. 78, 81, 84;  
Allen Dep., p. 24; Allen  
letter of Oct. 28, 1970)

C14. The Mann School is only two-tenths of a mile further from Gordon than it is from Deal. Hearst is 0.75 mile closer to Deal. On the other hand, West, a primarily black elementary school clustered to Deal, is further from Deal than either Mann or Hearst are; West is also 1.7 miles closer to MacFarland J.H.S. than to Deal. Other schools in the cluster program are further from junior high school into which they are clustered than from other junior highs.

(Malone Affid., para 7  
and map, attached thereto;  
on racial make-up of  
West, see Allen Dep.,  
Exh. 10, p. 9)





C15. The Mann-Hearst parents also state they seek to have their children attend Deal on the grounds that older siblings are at Deal or nearby Wilson High School.

(Board Tr. p. 81; Allen Dep. p. 24; Allen letter of Oct. 28, 1970)

C16. The change, however, will mean that new 7th graders with brothers and sisters already at Gordon and Western High School will not attend school with their siblings.

(See Malone Affid. para 8)

C17. At least with respect to Mann, this non-racial grievance by the parents is "disingenuous, since the inconvenience they cited they had invited upon themselves by choosing" out-of-district schools for their older children.

(See Malone Affid. para 9; quote is from 269 F. Supp. at 417, with respect to Mann parents in 1963)

C18. The School Board transfer of Mann and Hearst was in part the result of Board consideration of what its President called "tremendous attending problems" at Gordon as the result of a large number of blacks bussed in "who are not prepared to go there."

(Allen Dep. p. 43)

C19. The Board was also aware that the transferred children were of higher socio-economic class.

(Allen Dep. p. 51; see p. 46)

C20. The President of the School Board described the criteria generally used in establishing boundaries, as balancing overcrowding, balancing races in areas when possible and balancing socio-economic factors.

(Allen Dep., p. 47)



C21. But the effect of the transfer was

- (a) To move children from an undercrowded to an overcrowded school.
- (b) To move whites from Gordon, now 39% white, to Deal which is now 54% white, and thus to decrease integration and racial balance at Gordon.
- (c) To move wealthy white children, at the behest of their parents, from a school with lower socio-economic standing to one with a higher standing.

(See Motion to Enforce, para. 4, Allen Dep., pp. 43 (unprepared, bussed-in blacks at Gordon), and 51 ("fairly high socio-economic level" of children transferred-- all concerning C21.(c)).

C22. The undercrowded condition of Gordon (85% of capacity), exacerbated by the transfer of Mann and Hearst, will undoubtedly lead to transfers into Gordon from elsewhere, as was the case a year ago.

(Concerning 1969, see Motion to Enforce, Exh. A, 2nd footnote)

C23. Except for Gordon and Deal, no junior high school in the District has any substantial white enrollment (in 1969, none more than 8% and most were much lower).

(Allen Dep. Exh. 10, pp. 16-18)

C24. Transfers into undercapacity Gordon will therefore have to come from Deal or from predominantly black junior high schools.



C25. Such predominantly black junior highs could only be from Francis J. H. School (already at the very edge of its own zone) or from other junior high schools further from Gordon than either Mann or Hearst is.

(See Map, Malone Affid.  
Exh. 2)

C26. If such a transfer occurs, the result of the School Board motion moving Mann and Hearst to Deal will have been to move whites out of Gordon (whose 7th grade is now only 31% white) and to move blacks in, in their stead.

C27. The result will also mean that wealthy whites may attend a school (Deal) somewhat nearer their homes, but that blacks will have to travel even further from their homes to Gordon.

C28. The Board of Education claims that the "deviation from its boundary criteria is only "de minimis."

(Allen letter to Judge,  
Oct. 28, 1970, p. 2;  
Allen Dep. p. 40-51)

C29. The eighteen 7th grade whites from Mann and Hearst now at Gordon would, however, raise the number of whites at Gordon from 85 to 103, an increase of 21%.

(Movants' Statistical  
Summary)

C30. This change would increase the percentage of whites in Gordon's 7th grade from 30.8 to 34.7%.

(Ibid.)

C31. This change would reduce the overcrowding at Deal and the undercrowding at Gordon.

(Ibid.)





D. Notice of the School Board Meeting

D1. The Rules of the Board of Education state that the Board, upon receipt of a report from the Superintendent "involving major changes in the school system, or the schools in any particular community," will give notice to the public and, by a mailing to "organized citizen groups" at least 15 days before a regular or special meeting designated to consider the recommendation; and further that representations may be made at "the designated public hearing meeting."

(Motion to Enforce, Exh. D; Allen Dep. Exh. 14)

D2. The adoption of the cluster plan, involving substantial boundary changes, is such a major change.

D3. The Board's notice of the July 7, 1970 meeting to the press did not identify the nature of recommendations; it gave no notice to interested organized citizen groups; and it did not provide an opportunity for public to speak on this topic.

(Allen Dep. pp. 15-18, 19; Exhs. 12-13; Motion to Enforce, pare 7)

D4. The defendants justify the transfer of Mann and Hearst in large part on the voice of the community concerned.

(Board Tr. pp. 77-8, 81, 83; Allen letter to Court of Oct. 28, 1970)

D5. The Board did not follow its own Rules in determining what community views were.



E. Conclusions of Fact

E1. In changing Mann and Hearst from Gordon, the Board of Education was aware of and responded to neighborhood pressures to permit a small number of wealthy white children to escape from a school increasingly black, with numbers of them "not prepared to go there."

(Quote is from Allen Dep., p. 43)

E2. In doing so, the Board accepted the views of the Ward representative based upon political considerations.

E3. The Board was aware of the segregatory motives underlying the pressure for this transfer.

E4. The reasons alleged for the neighborhood pressure are not convincing bases for Board action, particularly in view of the history of segregatory motives of the parents in this area and the extraordinary transfer here from an undercrowded to an overcrowded school.

E5. Considerations of overcrowding, racial balance and socio-economic balance all argued against the transfer, but the Board laid these considerations aside on the grounds the numbers involved are small.

(Allen Dep. pp. 41, 42, 43, 44-5, 50; Allen letter to Judge, Oct. 28, 1970; Board Tr. p. 77, 81)

E6. Under all the circumstances, the Board must be held to have intended the move of wealthy white children from Gordon to Deal and the segregatory result.

E7. Regardless of intent, the effect of the Board's action was segregatory and, as to the Movants, discriminatory.

E8. In fact, the numbers, though absolutely small, would increase the number of whites at Gordon in the grade concerned by over one-fifth, an important fraction in a school where there is an opportunity to maintain racial and socio-economic integration.



E9. The increase of the white minority from 31 to 35% of the class entering Gordon will significantly aid Gordon to maintain its integrated condition.

E10. Although relying upon expressions of community opinion for its action, the Board failed to give the notice or hold the hearing required under its Rules which would have enabled it to hear community opinion publicly, rather than privately, with advance knowledge to all of the issues.

CONCLUSIONS OF LAW

A. This Court's Order of June 19, 1967, enjoined segregation and directed the submission of a pupil placement plan complying with the Court's section on REMEDY.

(Hobson v. Hansen,  
269 F. Supp. at 517)

B. In its Remedy section the Court did not ban the neighborhood policy, but it held improper the use of that policy as an excuse for discrimination in pupil assignment, or as a way to increase segregation or to avoid "maximum effective integration."

(269 F. Supp. at 515;  
See also p. 417-8)

C"...The fact that the Board believes in neighborhood schools for racially neutral reasons which alone suffice to explain the initiation and retention of that policy does not settle the matter; for these facts in no way cancel the possibility that the Board has concurrently favored it for racial reasons which are forbidden. If a valid purpose is in fact joined by an outright segregatory purpose, the court has no doubt that a de jure case has been established."

(269 F. Supp. at 418)







D. Boundary decisions made to permit white children to escape an increasingly black school to a more nearly white school enhancing racial and socio-economic segregation are for a segregatory purpose.

(269 F. Supp. at 406)

E. When the School Board is aware of a segregatory purpose behind the stated basis for a boundary change and when the stated reasons for such change are unconvincing, its passage of such a boundary change violates a decree against discrimination.

(See 269 F. Supp. 417,  
499-500)

F. When a School Board's rules require notice and hearing to the public, actions taken without adherence to those rules are illegal, particularly when the Board relies upon views of the community or public as an essential reason for its action.

(Erie R. Co. v. Peterson,  
79 N.J.L. 512, 76 Atl.  
1065 (1910); U.S. ex rel.  
Accardi v. Shaughnessy,  
347 U.S. 260 (1954))

G. When a School Board is under an injunction against racial or social discrimination, that injunction is violated when the Board takes a pupil placement action the effect of which is to significantly increase segregation.

H. When relief enforcing that injunction by undoing the offending action will significantly aid integration, such relief should be ordered.



PROPOSED DECREE

This cause came on to be heard on the Motion of Richard T. Stout, et al., to Enforce the Decree of June 19, 1967, and after consideration thereof, it is hereby ORDERED, ADJUDGED and DECREED that the Defendants, their successors, agents, officers, employees, and all those in active concert and participation with them, be and they hereby are enjoined from:

1. Transferring or assigning the areas of Horace Mann and Phoebe Hearst Elementary Schools, or either of them, to the Alice Deal Junior High School area, for the purposes of pupil placement, whether as part of the Alice Deal Junior High School "cluster" or otherwise, and from

2. Implementing or carrying out the decision of the Board of Education on July 1, 1970, to accomplish the same.

It is further ORDERED, ADJUDGED and DECREED that, on or before December 13, 1970, Defendant Members of the Board of Education file with this Court and serve upon the Movants a plan for the prompt transfer to and placement in Gordon Junior High School of those seventh grade students who formerly attended Horace Mann and Phoebe Hearst Elementary Schools and who are now at Alice Deal Junior High School.

J. SKELLY WRIGHT  
UNITED STATES CIRCUIT JUDGE

Washington, D. C.  
November , 1970

---

\* Sitting by designation pursuant to 28 U.S.C. §291(c).



CERTIFICATE OF SERVICE

I, Stephen B. Ives, Jr. certify that on November 23, 1970, a true copy of the within Proposed Findings of Fact, Conclusions of Law and Decree and also of the Memorandum of Movants, Richard T. Stout, et al., in Support of Motion to Enforce Decree were left at the office of Matthew J. Mullaney, Jr., Esquire, Attorney for Defendants, District Building, 14th and E Streets, Washington, D. C. 20004, with some person having charge thereof, and copies of the same were sent by first class mail, postage prepaid, to Peter F. Rousselot, Esquire, Attorney for Plaintiffs, 815 Connecticut Avenue, N. W., Washington, D. C. 20006; Don R. Allen, Esquire, Attorney for Intervenor Mr. and Mrs. William Bennett, 1775 K Street, N. W., Washington, D. C. 20006; John A. Blevens, Attorney for Elizabeth A. Budd, et al., 1025 - 15th Street, N. W., Washington, D. C. 20005.

---

Stephen B. Ives, Jr.  
Attorney for Movants  
Richard T. Stout, et al.  
1320 Nineteenth Street, N. W.  
Washington, D. C. 20036  
(202) 296-2121





UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Julius W. Hobson, individually	)	
and on behalf of Jean Marie	)	
Hobson and Julius W. Hobson	)	
Jr., et.al,	)	Civil Action No. 82-66
	)	
Plaintiffs,	)	
	)	POINTS AND AUTHORITIES
v.	)	
	)	FOR MOVANTS' MOTION TO
Carl F. Hansen, Superintendent	)	
of the Schools of the District of	)	CITE FOR CONTEMPT FOR
Columbia, the Board of Education	)	
of the District of Columbia, et al,	)	FAILURE TO OBEY JUDGMENT
	)	
Defendants,	)	ON BEHALF OF PERSONS NOT
	)	
Mr. & Mrs. William Bennett,	)	PARTIES PURSUANT TO RULE
individually and on behalf of	)	
Anthony Garrison and Lynn	)	NO. 71 OF THE FEDERAL
Garrison, and Mrs. Valerie Allen,	)	
individually and on behalf of Signe	)	RULES OF CIVIL PROCEDURE.
Ann Allen, represented by Donald	)	
R. Allen, Esquire, 1200 Tower	)	
Building, Washington, D.C. 20005,	)	
Tel. 638-6474,	)	
	)	
Movants.	)	

1. Movants are students and parents of students in the Fillmore Elementary School, 35th and S Streets, N.W., Washington, D. C. 20007.
  - a. Some of the Movants are voluntarily bused each day across the District of Columbia from Anacostia to Fillmore School in order to comply with the judgment entered herein June 19, 1967, which ordered the Defendants to stop discriminating against certain students because of their race or economic status and which also ordered Defendants to bus volunteering students from overcrowded schools east of Rock Creek Park to underpopulated schools west of the Park.
  - b. The Fillmore School initiated an after-school enrichment



program in November of 1969 to enhance its educational program and has depended on money and help from both the Defendants and private individuals to support the program.

c. Defendants refused to continue to provide free late bus transportation home to participating bused students including Movants on March 16, 1970, thereby preventing them from taking part in the enrichment program.

d. Movants therefore seek enforcement of the order of June 19, 1967, and an end to this unlawful and unconstitutional discrimination.

2. Defendants have failed to comply with an order of the Court. Based upon the facts set forth in Movants' Motion and in light of the judgment rendered by the Court on June 19, 1967, Defendants are in violation of a permanent injunction and order of the Court, Hobson v. Hansen, 269 F. Supp. 401 (1967), and have deprived Movants of their Constitutional rights to equal protection and due process of law, Bolling v. Sharpe, 347 U.S. 497 (1954).

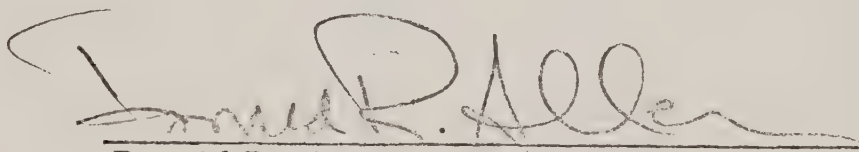
3. The Court may punish a party who disobeys its order. Rule No. 70 of the Federal Rules of Civil Procedure provides for holding a party in contempt for failure to comply with any order of the Court.

4. The Court may punish a civil contempt by coercion and fine. The Court may, if it finds the Defendants guilty of civil contempt, impose judicial sanctions for either or both of two purposes: to coerce the Defendant into compliance with the Court's order, and to compensate the complainant for losses sustained. United States v. United Mine Workers of America, 330 U.S. 258, 303, 304 (1946).

5. Movants are authorized to seek enforcement of the Court's order. Rule No. 71 of the Federal Rules of Civil Procedure authorizes any person not a party to an action to seek enforcement of and obedience to an order of the Court by the same process as if he were a party. Farmers' Loan and



Trust Co. v. Chicago and A. Ry. Co., 44 F. 653 (7th Cir. 1890), United States v. Hackett (W. D. Mo. 1954) 123 F. Supp. 104, Woods v. O'Brien, 78 F. Supp. 221 (D. Mass. 1948). Movants, being students and parents of students who are bused and who are attending "receiving" schools and in whose favor the judgment of the Court herein was rendered, are "persons" within the meaning of the judgment rendered herein and Rule No. 71, United States V. Paramount Pictures, 75 F. Supp. 1002 (S. D. NY. 1948).

A handwritten signature in dark ink, appearing to read "Donald R. Allen", written over a horizontal line.

Donald R. Allen, Esquire  
Attorney for Movants  
1200 Tower Building  
Washington, D. C. 20005  
Tel. 638-6474





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,

Plaintiffs,

-----  
MRS. ELIZABETH A. BUDD  
113 Galveston Street, S. W.,  
Apartment 103  
Washington, D. C.

BOBBIE JEAN CREQUE  
132 Irvington Street, S. W.,  
Apartment 2A  
Washington, D. C.

MR. VERRANO A. D. FENWICK  
49 Galveston Street, S. W.,  
Apartment 102  
Washington, D. C.

ALFONSO L. LOVE  
108 Galveston Street, S. W.,  
Apartment 202  
Washington, D. C.

MRS. DOROTHY M. MINOR  
121 Galveston Street, S. W.,  
Apartment 202  
Washington, D. C.

KATHY L. SCHRADER  
134 Irvington Street, S. W.,  
Apartment 1A  
Washington, D. C.

MR. LaVERT C. SEABRON  
4660 Nichols Avenue, S. W.,  
Apartment A-602  
Washington, D. C.

MRS. CAROLYN J. SMITH  
54 Galveston Street, S. W.,  
Apartment 102  
Washington, D. C.

MRS. NORMA B. SMITH  
4660 Nichols Avenue, S. W.,  
Apartment B-306  
Washington, D. C.

WILLIAM H. SMITH  
64 Galveston Street, S. W.,  
Apartment 301  
Washington, D. C.

MRS. FRANCES B. WILLIAMS  
103 Darrington Street, S. W.,  
Washington, D. C.

Civil Action  
No. 82-66

MOTION TO  
INTERVENE



MRS. LYNNE S. WOLFF

4660 Nichols Avenue, S. W.,  
Apartment A-801  
Washington, D. C.

and

BEVERLY A. WODDS

100 Galveston Street, S. W.,  
Apartment T-1  
Washington, D. C.

Applicants for Intervention)

v.

CARL F. HANSEN, et al.,

Defendants.)

MOTION TO INTERVENE

1. Each of the above named applicants for intervention is the parent of one or more elementary school children who are scheduled to attend either Patterson school or Leckie school during the 1970-71 school year.

2. As appears from the annexed proposed Complaint in Intervention, and as is elaborated in the annexed Memorandum of Points and Authorities, the rights of such school children to be free of racially and economically discriminatory practices in the District of Columbia public school system, in accordance with the Decree of June 19, 1967 in this action, are threatened by proposed action of the School Board.

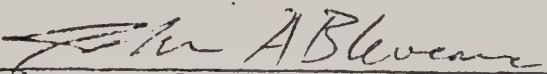
3. This is a proceeding to enforce and secure compliance with the Decree of June 19, 1967. Each applicant for intervention has an interest in securing compliance with such decree for the benefit of his or her minor children above described.

4. Each of the applicants for intervention is advised and believes that the adoption of the proposed boundary line formula will deprive their minor children of their constitutional rights.



Such deprivation of constitutional rights is more fully described in the Motion for Preliminary Injunction and the Memorandum of Points and Authorities filed herewith. Each such applicant for intervention is further advised and believes that a "feeder approach," under which the schools are paired with children attending kindergarten and grades 1, 2 and 3 at the Patterson school and kindergarten and grades 4, 5 and 6 at the Leckie school, will protect the constitutional rights of their children.

Respectfully submitted,

  
\_\_\_\_\_  
John A. Bleveans  
Washington Lawyers' Committee  
for Civil Rights Under Law  
1025 15th Street, N. W.  
Washington, D. C. 20005  
(202) 659-8895

\_\_\_\_\_  
Max O. Truitt, Jr.  
Wilmer, Cutler & Pickering  
900 17th Street, N. W.  
Washington, D. C. 20006  
(202) 296-8800

Of Counsel:

Edward B. Webb, Jr.  
900 17th Street, N. W.  
Washington, D. C. 20006  
(202) 296-8800





July 29, 1970

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,

Plaintiffs,

Civil Action 82-66

-----  
Mrs. Elizabeth A. Budd  
113 Galveston Street, S.W.  
Apartment 103  
Washington, D.C. 20032

Memorandum of Points  
and Authorities in  
Support of Motion to  
Intervene

Bobbie Jean Creque  
132 Irvington Street, S.W.  
Apartment 2A  
Washington, D.C.

Mr. Verrano A. D. Fenwick  
49 Galveston Street, S.W.  
Apartment 102  
Washington, D.C.

Alfonso L. Love  
108 Galveston Street, S.W.  
Apartment 202  
Washington, D.C.

Mrs. Dorothy M. Minor  
121 Galveston Street, S.W.  
Apartment 202  
Washington, D.C.

Kathy L. Schrader  
134 Irvington Street, S.W.  
Apartment 1A  
Washington, D.C.

Mr. LaVert C. Seabron  
4660 Nichols Avenue, S.W.  
Apartment A-602  
Washington, D.C.

Mrs. Carolyn J. Smith  
54 Galveston Street, S.W.  
Apartment 102  
Washington, D.C.

Mrs. Norma B. Smith  
4660 Nichols Avenue, S.W.  
Apartment B-306  
Washington, D.C.



William H. Smith  
64 Galveston Street, S.W.  
Apartment 301  
Washington, D.C.

Mrs. Frances B. Williams  
103 Darrington Street, S.W.  
Washington, D.C.

Mrs. Lynne S. Wolff  
4660 Nichols Avenue, S.W.  
Apartment A-801  
Washington, D.C.

Beverly A. Wodds  
100 Galveston Street, S.W.  
Apartment T-1  
Washington, D.C.

Applicants for Intervention

v.

CARL F. HANSEN, et al.,

Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF MOTION TO INTERVENE OF  
MRS. ELIZABETH A. BUDD, BOBBIE JEAN  
CREQUE, MR. VERRANO A. D. FENWICK,  
ALFONSO L. LOVE, MRS. DOROTHY M.  
MINOR, KATHY L. SCHRADER, MR. LAVERT  
C. SEABRON, MRS. CAROLYN J. SMITH,  
MRS. NORMA B. SMITH, WILLIAM H. SMITH,  
MRS. FRANCES B. WILLIAMS, MRS. LYNNE  
S. WOLFF, BEVERLY A. WODDS

This memorandum is submitted in support of a motion by the parents of certain school children to intervene in this proceeding as a matter of right.

This case is now before the Court on the Amended Motion For Further Relief And For Enforcement Of The Decree of June 19, 1967. The Decree Hobson v. Hansen, 266 F. Supp. 401 (D.D.C. 1967) enjoined racial and economic discrimination in the operation of the District of Columbia schools. The decree was based in part upon the finding that per-pupil expenditure in the predominantly black schools was \$100 less



than the per-pupil expenditure in the predominantly white schools and in those schools west of Rock Creek Park. [269 F. Supp. at 496.] The original plaintiff therein, now seeks to equalize the per-pupil expenditure within the District of Columbia School System. The applicants for intervention seek to assure such equalization with respect to two schools in a particular area of the city.

A. These parents seeking to intervene in this action meet the requirements of Rule 24.

The rights of parents to intervene in this proceeding have already been established. The Court of Appeals, in Smuck v. Hobson, 132 U.S. App. D.C. 372, 408 F.2d 175 (1969), treated a motion of similar parent intervenors in detail fashion. The court stated:

If barriers are needed to limit extension of the right to intervene, the criteria of practical harm to the applicant and the adequacy of representation by others are better suited to the task. If those requirements are met, the nature of his 'interest' may play a role in determining the sort of intervention which should be allowed . . .

Both courts and legislatures have recognized as appropriate the concern for their children's welfare which the parents here seek to protect by intervention . . . .

Rule 24(a) as amended requires not that the applicant would be 'bound' by a judgment in the action, but only that 'disposition of the action may as a practical matter impede his ability to protect that interest'. . . . Indeed the very premise for the intervenors' attack on the trial court decision is that school authorities can exercise wide discretion without encountering affirmative constitutional duties or negative prohibitions. (at App. D.C. 377, 408 F.2d at 180-181)





And regarding the remaining requirement -- that the applicant not be adequately represented by others -- the court said:

. . . "[T]he burden [is] on those opposing intervention to show the adequacy of the existing representation." . . . The school board represents all parents within the District. The intervening appellants have more parochial interests centering upon the education of their own children. (At App. D.C. 378, 408 F.2d at 181)

Thus, it is well recognized that parents of children attending or scheduled to attend the Patterson Elementary School have sufficient interest in the composition of the school to support intervention.<sup>\*/</sup>

Moreover, none of the relief sought by the amended Motion For Further Relief And For Enforcement Of Decree presently before the Court is applicable specifically to the Patterson or Leckie schools, and none of the parties presently before the Court has made allegations with respect to those schools like those contained in the proposed Complaint in Intervention.

Secondly, the disposition of the main action (enforcement of the prior judgment) would clearly have an effect upon these students. As alleged in the proposed Complaint in Intervention, the per-pupil expenditures at the new Leckie School with its superior facilities will be in excess of the per-pupil outlay for the Patterson students. Under the boundary plan, the sixth grade students scheduled to attend the Patterson School will not have a chance to attend the new Leckie School,

---

<sup>\*/</sup> Hobson v. Hansen, 132 U.S. App. 372, 377, 408 F.2d 175, 180 (D.C. Cir. 1969).



and will thus be denied their constitutional right to attend racially and economically integrated schools. For them, it is clearly the last chance.

Thirdly, these plaintiffs are not adequately represented by plaintiff Hobson et al.\*/ Under the amended Rule 24, the focus is upon "the burden on those opposing intervention to show the adequacy of the existing representation and the need for a liberal application in favor of permitting intervention."\*\*/ None of the relief sought by the amended Motion For Further Relief And For Enforcement Of Decree presently before the Court is applicable specifically to the Patterson or Leckie Schools, and none of the parties presently before the Court has made allegations with respect to those schools like those contained in the proposed Complaint in Intervention. As to these parents, Hobson owes no special consideration nor did the School Board, as the Court of Appeals stated in the prior appeal.\*\*\*/ Moreover, as that Court intimated, the uniqueness of the situation is likewise persuasive for intervention.

---

\*/ While it is true that the initial complaint was filed on behalf of black and economically disadvantaged children in the District of Columbia, that action was directed primarily toward the elimination of the track system and its harmful effects. Judge Wright stated in his prior opinion, 269 F. Supp. at 407: "To correct the racial and economic discrimination found in the operation of the District of Columbia public school system, the court has issued a decree attached to its opinion ordering: 1. An injunction against racial and economic discrimination in the public school system here. 2. Abolition of the tract system . . .".

\*\*/ Nuesse v. Camp, 128 U.S. App. D.C. 172, 180, 385 F.2d 694, 702 (D.C. Cir. 1967).

\*\*\*/ "While they cannot of course ask the Board to favor their children unconstitutionally at the expense of others, they like other parents can seek the adoption of policies beneficial to their own children." Hobson v. Hansen, 132 U.S. App. D.C. 372 408 F.2d at 181.





The alternative of bringing a new suit would unduly increase the burden on the overcrowded court docket. This is especially persuasive since the main action concerns in a general manner the very issue these parents raise regarding two schools. To initiate another action in the same court where the matter has previously been treated in a general manner and when the previous court<sup>\*/</sup> has ably demonstrated a command of the problems that beset the D.C. School System is surely impractical judicial administration.

B. Intervention by these parents is necessary and proper under the circumstances and in order to ensure that the constitutional rights of their children to racially and economically integrated school are protected.

The course which the D.C. School Board is likely to follow in the future regarding the boundary for attendance at the Leckie School cannot be predicted. However, the past action of the School Board concerning boundaries for the Leckie School may be summarized as follows:

The Madeline Leckie Elementary School was built to ameliorate the overcrowding at W. B. Patterson Elementary School; Leckie was completed in the spring of 1970. Patterson has a capacity of 800 and a 1969-70 enrollment of 1300. The Leckie School is typical of the new modernly designed schools in the nation. The edifice has a capacity for 800 students, a nurses' station, cafeteria, and a gymnasium, attributes which are sorely lacking at Patterson.

---

<sup>\*/</sup> Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967).





The present enrollment of Patterson Elementary School is comprised of all elementary age school students who reside within an area bounded by Overlook Avenue, S.W., on the east and Oxen Run on the west and those students from Anacostia Naval Station and Bolling Air Force Base. Most of these students from the military installations are white. As a result the present racial ratio is about 75-25 black-white.

During the spring of 1969, the Superintendent of Schools appointed a committee (hereinafter Committee of 21) of Leckie School area residents including representatives from the Anacostia Naval Station and Bolling Air Force Base and a Mr. Talbert from the Superintendent's office to recommend to him boundaries for the new Leckie School. The Committee of 21 proposed that all children residing north of Elmira Street would attend Leckie and those south of Elmira Street would attend Patterson. The 1st and 2nd grade pupils from the military bases would attend the Congress Heights Annex; all other pupils from the Naval Base would attend Leckie and all other pupils from the Air Force Base would attend Patterson. The report of the Committee of 21 proposing the Elmira Street boundary line was met with some dissatisfaction by other members of the community, namely the plaintiffs herein and the Patterson PTA Boundary Committee. Nevertheless, the Superintendent forwarded (with his recommendation) the report of the Committee of 21 to the Board of Education.

Prompted by the efforts of the Patterson PTA Boundary Committee, the School Board took no action on the boundaries for Leckie enrollment at its meeting of June 17, 1970 but referred the matter to Rev. Coates, Ward Representative, to



receive further community sentiment. That sentiment is to be received as the result of a vote on the proposed boundary plan at a meeting under the auspices of the Superintendent and Rev. Coates to be held on July 29, 1970. That vote will not be binding upon the Board of Education.

The plaintiff intervenors assert that the proposed boundary line is arbitrary, divides the community, and will result in a serious racial and economic imbalance in the composition of the Patterson and Leckie schools. The proposed plan as recommended by the Committee of 21 does not have the interest of the community nor that of the educational needs of the students as motivating factors. The arbitrary boundary line of Elmira Street unnecessarily and invidiously divides the residents of apartments and those of single family dwellings with the latter attending the new Leckie School and the former attending the older Patterson School. The impact of such discrimination is likely to have a serious effect upon the children assigned to Patterson. This Court in the prior decision stated, "The age of a school building is a factor in obsolescence and generally a criterion of safety and service." (269 F. Supp. at 431) Specifically the court concluded (at 406):

1. Racially and socially homogeneous schools damage the minds and spirit of all children who attend them -- the Negro, the white, the poor and the affluent -- and block the attainment of the broader goals of democratic education, whether the segregation occurs by law or by fact.





2. The scholastic achievement of the disadvantaged child, Negro and white is strongly related to the racial and socio-economic composition of the student body of the school. . . .  
(Empahsis added)

These findings of fact make it imperative that a like condition be specifically not allowed to develop.

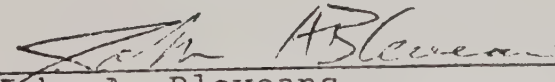
Under the proposed Elmira Street boundary formula, the students from Bolling Air Force Base will be bussed from the base to Patterson Elementary School. Leckie is much closer and on a more direct route from the base than is Patterson. Thus, the bussing of the students from Bolling Air Force Base to Patterson and to Leckie is not realistic. Clearly, Leckie is the nearer school for these children. In addition to the increased safety hazard, it is not likely that parents of these students will accept the bussing of their children to the older, more distant Patterson Elementary School on the basis of a boundary line formula, which in fact would place them within the area of attendance for the Leckie School. Should either these parents pursue actions to have their children attend Leckie or the parents of those students now attending parochial schools choose to enter them in Leckie, the enrollment in Leckie would be approximately 95% white and that of Patterson, 99% black.

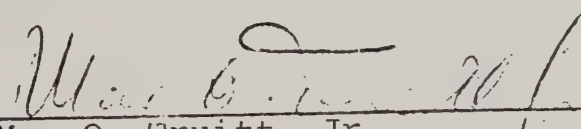
The Elmira boundary line formula would, if implemented, this year foreclose some of the sixth graders from any opportunity of attending the Leckie School. Several cases in the South have, on the basis of the same character of irreparable injury, required that immediate action be taken to forestall such injury. Green v. County School Board, 391 U.S. 430, 439 (1968), Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969),





Dowell v. Board of Education, 396 U.S. 269 (1969). Although the impact of these cases is directed toward the "immediate" operation of a unitary school system, the underlying rationale that one day's attendance in an unconstitutionally constituted school is applicable herein.

  
John A. Bleveans  
Washington Lawyers' Committee  
for Civil Rights Under Law  
1025 - 15th Street, N.W.  
Washington, D.C. 20005  
(202) 659-8895

  
Max O. Truitt, Jr.  
Wilmer, Cutler & Pickering  
900 - 17th Street, N.W.  
Washington, D.C. 20006  
(202) 296-8800

Of Counsel:

Edward B. Webb, Jr.  
900 - 17th Street, N.W.  
Washington, D.C. 20006  
(202) 296-8800



July 29, 1970

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,

Plaintiffs,

-----

Civil Action No. 82-66

Mrs. Elizabeth A. Budd  
113 Galveston Street, S.W.  
#103  
Washington, D. C. 20032

Bobbie Jean Creque  
132 Irvington Street, S.W.  
Apt. 2A  
Washington, D. C.

Mr. Verrano A. D. Fenwick  
49 Galveston Street, S.W.  
#102  
Washington, D. C.

Alfonso L. Love  
108 Galveston Street, S.W.  
#202  
Washington, D. C.

Mrs. Dorothy M. Minor  
121 Galveston Street, S.W.  
#202  
Washington, D. C.

Kathy L. Schrader  
134 Irvington Street, S.W.  
Apt. 1A  
Washington, D. C.

Mr. LaVert C. Seabron  
4660 Nichols Avenue, S.W.  
Apt. A-602  
Washington, D. C.

Mrs. Carolyn J. Smith  
54 Galveston Street, S.W.  
Apt. 102  
Washington, D. C.

Mrs. Norma B. Smith  
4660 Nichols Avenue, S.W.  
Apt. B-306  
Washington, D. C.

Complaint  
in  
Intervention



William H. Smith )  
64 Galveston Street, S.W. )  
Apt. 301 )  
Washington, D. C. )  
Mrs. Frances B. Williams )  
103 Darrington Street, S.W. )  
Washington, D. C. )  
Mrs. Lynne S. Wolff )  
4660 Nichols Avenue, S.W. )  
Apt. A-801 )  
Washington, D. C. )  
Beverly A. Wodds )  
100 Galveston Street, S.W. )  
Apt. T-1 )  
Washington, D. C. )  
Applicants for Intervention )  
v. )  
CARL F. HANSEN, et al., )  
Defendants.)

COMPLAINT IN INTERVENTION

COMES NOW Mrs. Elizabeth A. Budd, et al., and allege that:

1. Each of the above named plaintiffs in intervention is a parent of one or more elementary school children who are scheduled to attend either the W. B. Patterson Elementary School or the Madeline Leckie Elementary School during the 1970-71 school year.

2. The Patterson Elementary School is typical of the old schools presently in use in the District. It has a capacity for 800 students and its enrollment for the 1969-70 school term was 1,300 students. To ameliorate the overcrowding of Patterson the Madeline Leckie School was built within the same school district; it was completed in the spring of 1970. The Leckie School has a capacity for 800 students and is typical of the new modernly designed school facilities in the nation. It has a nurses station, a cafeteria, and a gymnasium, attributes





which are solely deficient at Patterson. The present enrollment of Patterson Elementary School is comprised of all elementary age school students who reside within an area bounded by Overlook Avenue, S. W., on the east and Oxen Run on the west and those students from Anacostia Naval Station and Bolling Air Force Base. Most of these children from the military installations are white. As a result the present racial ratio is about 75-25-black-white. The per pupil expenditure at the new Leckie School will be well in excess of the per pupil outlay at the Patterson School.

3. Pursuant to the obligation of the School Board of the District of Columbia to fix the boundaries for the enrollment of students at the different schools in the District, plans were made in early spring of 1969 concerning the enrollment of the new Leckie School. The Superintendent of Schools appointed a committee including representatives from the Patterson community, the military bases and a Mr. Talbert from his office to recommend to him a proposed formula for the composition of the Leckie Patterson schools. The committee recommended that the dividing line run east and west on Elmira Street with those children residing north of Elmira scheduled to attend the Leckie School and those residing south of Elmira Street scheduled to attend Patterson School; those children from the military bases in grades 1 and 2 to attend the Congress Heights Annex; all other children from the Anacostia Naval Base to attend Leckie; and all other children from the Bolling Air Force Base to attend Patterson. The letter from the Acting Superintendent of Schools, Benjamin J. Henley, to the Board of Education recommending the proposed boundary formula for the Leckie Elementary School is annexed hereto as EXHIBIT A.

4. Prompted by expressions of dissatisfaction with the proposed boundary formula for the Leckie School by the Plaintiffs herein, and the Patterson Parent-Teachers Association,



the School Board of the District of Columbia on June 16, 1970, referred the boundary issue to Rev. Coates, Ward representative, for a further expression of community sentiment. An excerpt from the transcript of the School Board's meeting of June 17, 1970 is annexed hereto as EXHIBIT B. Under the auspices of Rev. Coates and a representative from the Superintendent's office, an advisory election is to be held on July 29, 1970 to ascertain the "sentiment" of the community residents regarding the boundary formula. This election is advisory only and will not be binding on the school board.

5. Establishing and implementing the proposed boundary line will divide the community into two homogeneous groups. The overwhelming majority of those children residing south of the Elmira Street boundary and scheduled to attend Patterson reside in apartment buildings; almost all of those children residing north of the Elmira Street boundary who would attend the new Leckie School occupy single family residences. Consequently, the implementation of the proposed Elmira Street boundary would constitute an economic discrimination in the composition of the Patterson and Leckie Elementary Schools. The effects of the proposed boundary line plan are described in fact sheets prepared by the plaintiffs in intervention and the Patterson Parent-Teachers Association Boundary Committee annexed hereto as EXHIBIT C.

6. The present racial ratio at the Patterson Elementary School is approximately 75-25, black-white. The majority of the white students reside at the nearby military installation. Under the proposed Elmira Street boundary, the students from Bolling Air Force Base would be bussed beyond Leckie to





Patterson. There are, in addition- approximately 200 white students from the military bases that attended and were bussed to private schools during the 1969-70 school year. At the present time, no funds are available for the bussing of these students during the 1970-71 term, and these parents may choose to have their children enrolled in Leckie. Such a course would clearly establish a racial imbalance in the Patterson-Leckie Schools.

7. As an alternative to the proposed Elmira Street boundary, plaintiffs in intervention have proposed that the Patterson and Leckie Schools be paired and that all students within the combined Patterson-Leckie School district be given the opportunity to attend both schools. That proposal contemplates that students in the kindergarten and in grades 1, 2 and 3 would attend the Patterson School and that students in kindergarten and in grades 4, 5 and 6 would attend the Leckie School. The "feeder approach" and the effects of the proposed boundary line plan are described in fact sheets prepared by the plaintiffs in intervention and the Patterson Parent-Teachers Association Boundary Committee annexed hereto as EXHIBIT C.

8. WHEREFORE, the plaintiffs in intervention pray that preliminary and permanent injunctions be issued enjoining the School Board from establishing and implementing the Elmira Street boundary line for the enrollments of the Patterson-Leckie





Elementary Schools, and for such further relief as may be proper.



---

John A. Bleveans  
Washington Lawyers' Committee  
for Civil Rights Under Law  
1025 - 15th Street, N.W.  
Washington, D. C. 20005  
(202) 659-8895

---

Max O. Truitt, Jr.  
Wilmer, Cutler & Pickering  
900 - 17th Street, N.W.  
Washington, D. C. 20006  
(202) 296-8800

Of Counsel:

Edward B. Webb, Jr.  
900 - 17th Street, N.W.  
Washington, D. C. 20006  
(202) 296-8800



EXHIBIT A

PUB. 3 SCHOOLS OF THE DISTRICT OF COL. BIA  
SUPERINTENDENT OF SCHOOLS  
PRESIDENTIAL BUILDING  
415 - 12TH STREET, N. W.  
WASHINGTON, D. C. 20004

#1

June 17, 1970

To the Board of Education  
of the District of Columbia

Ladies and Gentlemen:

SUBJECT: LECKIE ELEMENTARY SCHOOL BOUNDARIES

The new Madeline Leckie Elementary School will open in September. In preparing for its opening the school administration initiated procedures for the establishment of school boundaries.

Mr. James L. Talbert, Director of Administration for Elementary Schools, held preliminary meetings with citizens of the Leckie School area and Elementary School officials in the spring of 1969 to begin planning the boundaries for the new Madeline Leckie School.

The citizens indicated that they wanted to set up a committee of community people including representatives from the military installations and plan the boundaries themselves. They felt that the school representative should serve as a consultant and Mr. Talbert agreed to serve in this capacity.

The Boundary Committee met several times and considered several different proposals:

1. That Patterson School should house grades kindergarten through three and that the Leckie School house a kindergarten and grades four, five and six.
2. That the boundary line run north and south or parallel to South Capitol Terrace.
- 3a. That the boundary line run east and west through Elmira Street.
- b. That the boundary line run east and west through Danbury Street.

The Committee settled on proposal 3 and gave the people on Danbury Street the privilege of voting to determine the school which their children would attend. As a result of this vote the children on Danbury Street would attend the Leckie School. Thus, plan 3a is the official boundary line.



To the Board of Education  
of the District of Columbia - 2

June 17, 1970

The Boundary Committee presented its proposal to Elementary School officials in the "Board" room at the Presidential Building on February 2, 1970, and these proposals which were accepted included the following points:

1. That all 1st and 2nd Grade pupils from the service bases attend the Congress Heights Annex.
2. That all other pupils from the Naval Base attend the Leckie School.
3. That all other pupils from the Air Force Base attend Patterson School.

Following this presentation questions were raised by some citizens in the community which indicated dissatisfaction with the boundaries as recommended by the Boundary Committee. These citizens proposed that:

The Patterson School house grades kindergarten through three and that the Leckie School house a kindergarten and grades 4, 5 and 6.

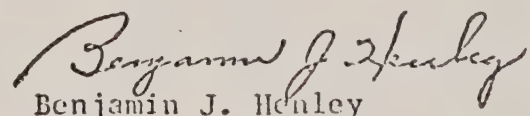
They suggested that the boundary as recommended by the committee divided the community into two sections in such a way that the more affluent area was assigned to the Leckie School while the less affluent area was assigned to the Patterson School.

The Acting Superintendent has met with the representatives of these two groups several times and has toured the area twice.

He believes that the procedures of the Board of Education have been followed and that the boundaries as proposed by the Boundary Committee do not divide the community into two distinctly different socioeconomic levels.

The Acting Superintendent recommends that the boundaries set up by the Boundary Committee be approved by the Board of Education.

Respectfully submitted,

  
Benjamin J. Henley

Acting Superintendent of Schools





Excerpts from the 6-17-70  
Board Meeting

Confidential  
6/17/76

✓ **NOTING OUR FEAR:** We are withdrawing the report on the hostile elementary school boundaries.

We were asked to study the possibility of employing neighborhood people as substitutes in our schools.

## The new subsidies—

GRAND JURY (inquiring) : Mr. Chalmers - Mr.

Superintendent - the Chair thinks that we should perhaps say (1) that that particular recommendation is not being presented tonight. The Chair simply would like to say that

the matter of establishing its boundaries for the new Pacific Elementary School has been discussed in some depth by the community and by the Board members. In an informal discussion

yesterday the conclusion of the Members of the Board present was that there should be another opportunity for those who did not go along with the recommendation of the 21-man

Committee established by the Board to present their case on  
more time, the Superintendent of Schools and Reverend Carter,

as the ward representative, will therefore establish a meeting, set the rules whereby speakers may present or put the question



1 to the community and possibly take an advisory vote of those  
2 present. Have I stated it correctly?

3 REVEREND COATES: Yes, you have, Madam Chairman.

4  
5 CHAIRMAN ALLEN: That then is the reason that we  
6 decided not to present any recommendation tonight with respect  
7 to this adoption of the boundaries. However, that matter will  
8 be discussed as soon as possible since we recognize the urgency  
9 of organizing the schools for the fall.

All right, Mr. Superintendent?





# LECKIE SCHOOL FACT SHEET

## QUESTIONS

## FEEDER-SCHOOL CONCEPT

## BOUNDARY PLAN (3a)

1. What is the plan?	Proposal to unite 2 area elementary schools into one educational complex, housing K,1,2,3 in Patterson and K,3,4,5 in Leckie.	Draws a line splitting one homogeneous school community into 2 segments, thereby, decreasing effectiveness of community participation in the educational process.
2. How much community support has this plan?	Five members of the Patterson P.T.A. Boundary Committee, clearly identified with this plan, were elected in May, 1970 to 5 of the 6 elected offices of the P.T.A., which has a membership of over 500.	The main proponent of the boundary line plan ran for P.T.A. president and was defeated.
3. What are the educational advantages of this plan?	Makes special features at Leckie (reading clinic, library, cafeteria, nearby playground), available to all children in the community.	None, it will constitute a duplication of the same inadequacies that have plagued Patterson in the past (lowering of reading levels).
4. What are the administrative advantages of this plan?	Avoids duplication of staff and equipment.	None. The plan demands the setup of 2 administrative and facultative machineries, only two blocks apart.
5. Are there any natural boundaries or dangerous thoroughfares between schools?	No. Safety factors are the same under both plans.	No. Safety factors are the same under both plans.
6. Will the racial balance existing at Patterson School be maintained?	Yes, the ratios of white and non-white pupils will essentially remain the same in both schools.	No, could result in Patterson School being 99% black and Leckie School being 95%-white.
7. Will peer group relationships be destroyed?	No, peer group classes will remain in tact, inasmuch as entire classes will be moved to the new school instead of individuals.	Yes, because this plan relocates pupils on an individual basis.
8. Will kindergarten facilities be available?	Yes, kindergarten, as well as, pre-school facilities will be available.	Kindergarten facilities will be available.
9. What will be the effect on the community?	The "community school" becomes the focal point of community activity.	Splits the community into two groups, thus, diluting effectiveness of either group.
10. What are the socio-economic and psychological affects of this plan?	Children, now attending school together, will not be separated; the stigma of attending "old" and "new" buildings or living in apartments vs. homes can never be attached.	The boundary line will separate schoolmates according to their status as apartment or home dwellers with all the social and psychological stigmas usually attached to these separations.
11. What effect will Bolling Air Force Base elementary school have upon Leckie School?	There would be some vacancies, but it would not result in an empty school to be filled from outside the community.	The Leckie School would be left virtually empty and, presumably would then be offered to blacks in the community.





# Feeder-School Plan

Proposed by:

W. B. Patterson  
P.T.A. Committee on  
School Boundaries  
March 17, 1970



## Basic Concept

A Single Quality Educational Complex Serving the entire Community.

The complex to consist of a Primary Unit (K, 1, 2, 3) at Patterson School and an Early Intermediate Unit (K, 4, 5, 6) at Leckie School.



# Enrollment

Present Patterson — 1230\*

Proposed <sup>244</sup> Patterson — 630-706\*\*

Proposed Leckie — 650-574

Capacity:	Patterson	—	880 (approx)
	Leckie	—	960 (approx)

\* estimated

\*\* using Duxbury or Elmira St as cut-off





# A Sample Feeder-School Popl.

## Distribution Plan based on 1200 Students.

### Patterson (K, 1, 2, 3)

<u>Grade</u>	<u>No. of Pupils</u>	<u>No. of Classes*</u>
K	144	5
1 <sup>st</sup> .	208	7
2 <sup>nd</sup> .	186	6
3 <sup>rd</sup> .	165	6
Total	<u>703</u>	<u>24</u>

### Leckie (K, 4, 5, 6)

<u>Grade</u>	<u>No. of Pupils</u>	<u>No. of Classes*</u>
K	115	4
4 <sup>th</sup>	145	5
5 <sup>th</sup>	157	5
6 <sup>th</sup>	157	5
Total	<u>574</u>	<u>19</u>

\* 300 sq. ft. per class



# Leckie Building Layout

21 - Regular Classrooms

7 - Individual Instruction Rooms

2 - Kindergarten Rooms

2 - Pre-School Rooms

2 - Skills Development Rooms

2 - Special Purpose Rooms

1 - Multi-Purpose Room with  
stage & Canteen facilities

1 - Health Suite

1 - Library

1 - Reading Clinic



4







UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,  
Plaintiffs,

v.

CARL F. HANSEN, et al.,  
Defendants.

)  
)  
)  
)  
)  
)  
)

Civil Action No. 82-66

VERIFICATION

I, Verrano A. D. Fenwick, being first duly sworn, on oath say that I am one of the plaintiffs-intervenors in the class action in the above cause and that I will suffer irreparable injury if the defendant Board of Education implements the proposed boundary line dividing the elementary school attendance area in which I live between the Patterson and Leckie elementary schools. The proposed boundary line will divide the attendance area along socio-economic and racial lines and my children will be deprived of an integrated education in violation of this court's decree of June 19, 1967 in Hobson, et al., v. Hansen, et al., 269 F. Supp. 401 (1967).

Verrano A. D. Fenwick

Subscribed and sworn to before me this 27<sup>th</sup> day of July, 1970.

Ethel J. Gorman



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,

Plaintiffs,

-----  
MRS. ELIZABETH A. BUDD  
113 Galveston Street, S. W., Apt. 103  
Washington, D. C.

BOBBIE JEAN CREQUE  
132 Irvington Street, S. W., Apt. 2A  
Washington, D. C.

MR. VERRANO A. D. FENWICK  
49 Galveston Street, S. W., Apt. 102  
Washington, D. C.

ALFONSO L. LOVE  
108 Galveston Street, S. W., Apt. 202  
Washington, D. C.

MRS. DOROTHY M. MINOR  
121 Galveston Street, S. W., Apt. 202  
Washington, D. C.

KATHY L. SCHRADER  
134 Irvington Street, S. W., Apt. 1A  
Washington, D. C.

MR. LaVERT C. SEABRON  
4660 Nichols Avenue, S. W., Apt. A-602  
Washington, D. C.

MRS. CAROLYN J. SMITH  
54 Galveston Street, S. W., Apt. 102  
Washington, D. C.

MRS. NORMA B. SMITH  
4660 Nichols Avenue, S. W., Apt. B-306  
Washington, D. C.

WILLIAM H. SMITH  
64 Galveston Street, S. W., Apt. 301  
Washington, D. C.

MRS. FRANCES B. WILLIAMS  
103 Darrington Street, S. W.,  
Washington, D. C.

MRS. LYNNE S. WOLFF  
4660 Nichols Avenue, S. W., Apt. A-801  
Washington, D. C.

and

BEVERLY A. WODDS  
100 Galveston Street, S. W., Apt. T-1  
Washington, D. C.

Applicants for Intervention

V.

CARL F. HANSEN, et al.,

Defendants.

Civil Action  
No. 82-66

MOTION FOR  
PRELIMINARY  
INJUNCTION



MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65, Federal Rules of Civil Procedure, and on the basis of the verified proposed Complaint in Intervention filed herein by Elizabeth Budd and others, Plaintiffs in Intervention hereby move that the Court issue a preliminary injunction enjoining the members of the District of Columbia Board of Education, defendants herein, from adopting or implementing the proposed Elmira Street Boundary Plan for the Patterson and Leckie Schools, the substance of which plan is contained in Exhibit A to the proposed Complaint in Intervention, and is annexed hereto as Exhibit A. The grounds for this motion are as follows:

1. Implementation of the proposed Elmira Street Boundary Plan will deprive the minor children of the Plaintiffs in Intervention herein of their constitutionally protected rights to attend schools free of economic and racial discrimination.

2. A simple alternative proposal to the Elmira Street Boundary Plan has been suggested by the Plaintiffs in Intervention. Such alternative plan, more fully set forth in the proposed Complaint in Intervention, is administratively workable and educationally sound and will protect the constitutional rights of all minor children who are elementary students in the Patterson and Leckie School districts.

3. The composition of the Patterson and Leckie Schools must be determined sufficiently in advance of the opening of school in September to permit the necessary administrative details to be worked out.

4. The threatened adoption by the Board of Education of the proposed Elmira Street Boundary Plan will irreparably





injure the minor children of the Plaintiffs in Intervention herein.

Respectfully submitted,



---

John A. Blevens  
Washington Lawyers' Committee  
for Civil Rights Under Law  
1025 15th Street, N. W.  
Washington, D. C. 20005  
(202) 659-8895

---

Max O. Truitt, Jr.  
Wilmer, Cutler & Pickering  
900 17th Street, N. W.  
Washington, D. C. 20006  
(202) 296-8800

Of Counsel:

Edward B. Webb, Jr.  
900 17th Street, N. W.  
Washington, D. C. 20006  
(202) 296-8800



EXHIBIT A

PUB. SCHOOLS OF THE DISTRICT OF COL. BIA  
SUPERINTENDENT OF SCHOOLS  
PRESIDENTIAL BUILDING  
415 - 12TH STREET, N. W.  
WASHINGTON, D. C. 20004

#1

June 17, 1970

To the Board of Education  
of the District of Columbia

Ladies and Gentlemen:

SUBJECT: LECKIE ELEMENTARY SCHOOL BOUNDARIES

The new Madeline Leckie Elementary School will open in September. In preparing for its opening the school administration initiated procedures for the establishment of school boundaries.

Mr. James L. Talbert, Director of Administration for Elementary Schools, held preliminary meetings with citizens of the Leckie School area and Elementary School officials in the spring of 1969 to begin planning the boundaries for the new Madeline Leckie School.

The citizens indicated that they wanted to set up a committee of community people including representatives from the military installations and plan the boundaries themselves. They felt that the school representative should serve as a consultant and Mr. Talbert agreed to serve in this capacity.

The Boundary Committee met several times and considered several different proposals:

1. That Patterson School should house grades kindergarten through three and that the Leckie School house a kindergarten and grades four, five and six.
2. That the boundary line run north and south or parallel to South Capitol Terrace.
- 3a. That the boundary line run east and west through Elmira Street.
- b. That the boundary line run east and west through Danbury Street.

The Committee settled on proposal 3 and gave the people on Danbury Street the privilege of voting to determine the school which their children would attend. As a result of this vote the children on Danbury Street would attend the Leckie School. Thus, plan 3a is the official boundary line.



To the Board of Education  
of the District of Columbia - 2

June 17, 1970

The Boundary Committee presented its proposal to Elementary School officials in the "Board" room at the Presidential Building on February 2, 1970, and these proposals which were accepted included the following points:

1. That all 1st and 2nd Grade pupils from the service bases attend the Congress Heights Annex.
2. That all other pupils from the Naval Base attend the Leckie School.
3. That all other pupils from the Air Force Base attend Patterson School.

Following this presentation questions were raised by some citizens in the community which indicated dissatisfaction with the boundaries as recommended by the Boundary Committee. These citizens proposed that:

The Patterson School house grades kindergarten through three and that the Leckie School house a kindergarten and grades 4, 5 and 6.

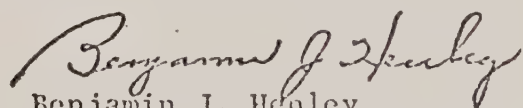
They suggested that the boundary as recommended by the committee divided the community into two sections in such a way that the more affluent area was assigned to the Leckie School while the less affluent area was assigned to the Patterson School.

The Acting Superintendent has met with the representatives of these two groups several times and has toured the area twice.

He believes that the procedures of the Board of Education have been followed and that the boundaries as proposed by the Boundary Committee do not divide the community into two distinctly different socioeconomic levels.

The Acting Superintendent recommends that the boundaries set up by the Boundary Committee be approved by the Board of Education.

Respectfully submitted,



Benjamin J. Henley  
Acting Superintendent of Schools





EXHIBIT A

PUB. ) SCHOOLS OF THE DISTRICT OF COL. BIA  
SUPERINTENDENT OF SCHOOLS  
PRESIDENTIAL BUILDING  
415 - 12TH STREET, N. W.  
WASHINGTON, D. C. 20004

#1

June 17, 1970

To the Board of Education  
of the District of Columbia

Ladies and Gentlemen:

SUBJECT: LECKIE ELEMENTARY SCHOOL BOUNDARIES

The new Madeline Leckie Elementary School will open in September. In preparing for its opening the school administration initiated procedures for the establishment of school boundaries.

Mr. James L. Talbert, Director of Administration for Elementary Schools, held preliminary meetings with citizens of the Leckie School area and Elementary School officials in the spring of 1969 to begin planning the boundaries for the new Madeline Leckie School.

The citizens indicated that they wanted to set up a committee of community people including representatives from the military installations and plan the boundaries themselves. They felt that the school representative should serve as a consultant and Mr. Talbert agreed to serve in this capacity.

The Boundary Committee met several times and considered several different proposals:

1. That Patterson School should house grades kindergarten through three and that the Leckie School house a kindergarten and grades four, five and six.
2. That the boundary line run north and south or parallel to South Capitol Terrace.
- 3a. That the boundary line run east and west through Elmira Street.
- b. That the boundary line run east and west through Danbury Street.

The Committee settled on proposal 3 and gave the people on Danbury Street the privilege of voting to determine the school which their children would attend. As a result of this vote the children on Danbury Street would attend the Leckie School. Thus, plan 3a is the official boundary line.



To the Board of Education  
of the District of Columbia - 2

June 17, 1970

The Boundary Committee presented its proposal to Elementary School officials in the "Board" room at the Presidential Building on February 2, 1970, and these proposals which were accepted included the following points:

1. That all 1st and 2nd Grade pupils from the service bases attend the Congress Heights Annex.
2. That all other pupils from the Naval Base attend the Leckie School.
3. That all other pupils from the Air Force Base attend Patterson School.

Following this presentation questions were raised by some citizens in the community which indicated dissatisfaction with the boundaries as recommended by the Boundary Committee. These citizens proposed that:

The Patterson School house grades kindergarten through three and that the Leckie School house a kindergarten and grades 4, 5 and 6.

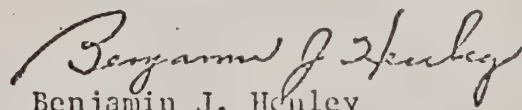
They suggested that the boundary as recommended by the committee divided the community into two sections in such a way that the more affluent area was assigned to the Leckie School while the less affluent area was assigned to the Patterson School.

The Acting Superintendent has met with the representatives of these two groups several times and has toured the area twice.

He believes that the procedures of the Board of Education have been followed and that the boundaries as proposed by the Boundary Committee do not divide the community into two distinctly different socioeconomic levels.

The Acting Superintendent recommends that the boundaries set up by the Boundary Committee be approved by the Board of Education.

Respectfully submitted,



Benjamin J. Henley  
Acting Superintendent of Schools



MEMORANDUM OF  
POINTS AND  
AUTHORITIES IN  
SUPPORT OF THE  
MOTION FOR  
PRELIMINARY  
INJUNCTION





CARL F. HANSEN, et al.,

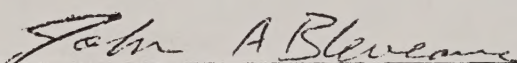
Defendants.

)  
)  
)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF THE MOTION FOR PRELIMINARY INJUNCTION

1. Rule 65, Federal Rules of Civil Procedure.
2. Hobson v. Hanson, 269 F. Supp. 401 (D.D.C. 1967).
3. The nature of the controversy between the Plaintiffs in Intervention and the District of Columbia Board of Education is fully set forth in the proposed Complaint in Intervention.
4. The nature of the irreparable injury is set forth therein, as well as in the Memorandum of Points and Authorities in Support of the Motion for Leave to Intervene.

Respectfully submitted,

  
\_\_\_\_\_  
John A. Bleveans  
Washington Lawyers' Committee  
for Civil Rights Under Law  
1025 15th Street, N. W.  
Washington, D. C. 20005  
(202) 659-8895

\_\_\_\_\_  
Max O. Truitt, Jr.  
Wilmer, Cutler & Pickering  
900 17th Street, N. W.  
Washington, D. C. 20006  
(202) 296-8800

Of Counsel:

Edward B. Webb, Jr.  
900 17th Street, N. W.  
Washington, D. C. 20006  
(202) 296-8800





UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,

Plaintiffs,

v.

CARL F. HANSEN, et al.,

Defendants.

Civil Action No. 82-66

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion to Intervene, Memorandum of Points and Authorities in Support of Motion to Intervene, Motion for Preliminary Injunction, Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction, and proposed Complaint in Intervention were sent by first class mail, postage prepaid, this 29<sup>th</sup> day of July, 1970, to Hubert B. Pair, Acting Corporation Counsel, D. C., attorney for defendants, District Building, Washington, D. C. 20004; Peter F. Rousselot, attorney for plaintiffs, 815 Connecticut Avenue, N. W., Washington, D. C. 20006; Don R. Allen, attorney for intervenors Mr. and Mrs. William Bennett, 1200 Tower Building, Washington, D. C. 20005; to the defendant Board of Education in care of Gertrude L. Williamson, Executive Secretary of the Board of Education at 415 12th Street, N. W., Washington, D. C. 20004; defendant Acting Superintendent of Schools at the District of Columbia, 415 12th Street, N. W., Washington, D. C. 20004

John A. Bleveans  
John A. Bleveans

Plaintiffs,

Civil Action No. 82-62

vs.

Defendants.

COMPLAINT OF DEFENDERS

I hereby certify that a copy of the within is filed  
for, members of certain and associated in District of Columbia  
in connection with the following: Defendant, Defendant of  
James and Associates in support of certain for the District  
in connection, and proposed to be in connection with the  
first class will, George Washington, D.C., July 1970.  
to Robert A. Bell, Acting Corporation Counsel, D.C., Attorney  
for Defendants, George Washington, D.C. 20004.  
James F. Kennedy, Attorney for Plaintiff, 315 Connecticut  
Avenue, N.W., Washington, D.C. 20004; Ben A. Allen, Attorney  
for Plaintiff, 1100 New York Avenue, N.W., Washington, D.C. 20004.  
Washington, D.C. 20004; is the defendant named of Education in  
the of George A. Williams, Executive Secretary of the Board  
of Education at 1100 New York Avenue, N.W., Washington, D.C. 20004.  
Defendant acting as defendant of certain at the District of  
Columbia, 1100 New York Avenue, N.W., Washington, D.C. 20004.

John A. Blanton